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TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5382]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

SCHUTTE LABORATORIES, ETC.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service*; § 3.6 (y) *Advertising falsely or misleadingly—Safety*. In connection with the offering for sale, sale and distribution in commerce; of respondents' products designated Rat-Deth, Schutte's Liquid Red Squill, Mouse and Mole Deth, Schutte's Red Squill, and Rat Nip, or any products containing substantially similar ingredients or possessing substantially similar properties, whether sold under the same names or under any other names, representing, directly or by implication, (1) that the product Rat-Deth is an effective killing agent for mice; (2) that rats and mice, after consuming the product Rat-Deth, go outside to die; (3) that mice and moles, after consuming the product Mouse and Mole Deth, go outside to die; (4) that the product Rat Nip, or the product Schutte's Red Squill, will kill all rats on the premises; or, (5) that the product Rat-Deth, or the product Schutte's Liquid Red Squill, is harmless to humans or domestic animals; prohibited, subject to the provision, however, that said last prohibition shall not prohibit respondents from representing that such products are relatively or comparatively harmless. (Sec. 5, 38 Stat. 719 as amended by Sec. 3, 52 Stat. 112; 15 U. S. C., Sec. 45b) [Cease and desist order, Schutte Laboratories, etc., Docket 5382, April 22, 1947.]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22d day of April A. D. 1947.

In the Matter of Charles W. Schutte and Janet M. Schutte, Copartners Trading as Schutte Laboratories and Schutte Co.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, testimony and other evidence introduced before a trial examiner of the Commission theretofore duly

designated by it, report of the trial examiner and the exceptions thereto, and brief in support of the complaint (no brief having been filed on behalf of respondents and oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, Charles W. Schutte and Janet M. Schutte, individually and trading as Schutte Laboratories and as Schutte Co., or trading under any other name, and their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondents' products designated Rat-Deth, Schutte's Liquid Red Squill, Mouse and Mole Deth, Schutte's Red Squill, and Rat Nip, or any products containing substantially similar ingredients or possessing substantially similar properties, whether sold under the same names or under any other names, do forthwith cease and desist from representing, directly or by implication:

1. That the product Rat-Deth is an effective killing agent for mice.
2. That rats and mice, after consuming the product Rat-Deth, go outside to die.
3. That mice and moles, after consuming the product Mouse and Mole Deth, go outside to die.
4. That the product Rat Nip, or the product Schutte's Red Squill, will kill all rats on the premises.
5. That the product Rat-Deth, or the product Schutte's Liquid Red Squill, is harmless to humans or domestic animals; provided, however, that this shall not prohibit respondents from representing that such products are relatively or comparatively harmless.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 47-5998; Filed, June 19, 1947; 8:50 a. m.]

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TITLE 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Order 138; Docket No. R-103]

PART 01—ORGANIZATION

PART 02—COURSE AND METHOD OF OPERATION

PART 03—SUBSTANTIVE RULES, GENERAL POLICY AND INTERPRETATIONS

PART 1—RULES OF PRACTICE AND PROCEDURE MISCELLANEOUS AMENDMENTS

JUNE 16, 1947.

In this proceeding the Commission has under consideration amendments to Part 01—Organization, Part 02—Course and Method of Operation, Part 03—Substan-

tive Rules, General Policy and Interpretations, and Part 1—Rules of Practice and Procedure, of the Commission's General Rules, published as Subchapter A of Chapter I, Title 18, Code of Federal Regulations,¹ pursuant to authority vested in the Commission by the Federal Power Act, particularly sections 209 and 309 thereof (49 Stat. 853, 858; 16 U. S. C., Sup. 824h, 825h) and the Natural Gas Act, as amended, particularly sections 16 and 17 thereof (52 Stat. 830, 15 U. S. C., Sup. 717o, 717p).

General public notice of the proposed amendment of the General Rules has been given by publication of notice in the FEDERAL REGISTER on May 2, 1947 (12 F. R. 2960-2966) and by mailing notices to interested persons and State and Federal regulatory agencies. In response to the notice comments were filed containing a number of helpful suggestions for changing and clarifying the language of certain of the amendments proposed; but no comments or objections were filed as to most of the proposed amendments.

Upon consideration by the Commission of the various proposed amendments, comments and suggestions, and the experience acquired to date under the General Rules (including Rules of Practice and Procedure) as prescribed and made effective September 11, 1946 by the Commission's Order No. 132 (11 F. R. 177A, pp. 487-509) the adoption, promulgation and prescription of amendments appear necessary and appropriate for clarifying and improving the General Rules, the Commission's organization, its course and method of operation, and the practice and procedure before it.

In view of the general public notice given of the proposed rule making in this matter and in order to permit early publication in pamphlet form of the Commission's rules of general applicability and effect contained in Chapter I, Title 18 of the Code of Federal Regulations, effective as of July 1, 1947, it is appropriate that the amendments herein adopted and prescribed, become effective and be applicable to proceedings before the Commission initiated on or after July 1, 1947.

The Commission therefore finds that:

(1) Amendment of its General Rules as herein adopted, promulgated and prescribed is necessary and appropriate for carrying out the provisions of the Federal Power Act and the Natural Gas Act, as amended.

(2) It is appropriate that its general rules, as herein amended, be made effective as of July 1, 1947.

Wherefore, the Commission orders that:

(A) Its general rules be and the same are hereby amended to the extent of adding certain new sections and amending certain existing sections, as listed below, of Part 01, Part 02, Part 03, and Part 1 of Subchapter A of Chapter I, Title 18, of the Code of Federal Regulations, so that the said sections read as

¹ The said parts and subchapter referred to of the Code of Federal Regulations correspond to and are contained in the Commission's pamphlet publication of its General Rules, including Rules of Practice and Procedure (effective September 11, 1946).

provided in the accompanying and attached statement, made a part hereof by reference, setting forth in full the effective wording of the following listed new and amended sections of the aforesaid parts of the said chapter and code:

PART 01—ORGANIZATION:

Sections:

New: None.

Amended: 01.3, 01.4, and 01.6.

PART 02—COURSE AND METHOD OF OPERATION:

Sections:

New: None.

Amended: 02.3 and 02.4.

PART 03—SUBSTANTIVE RULES, GENERAL POLICY, AND INTERPRETATIONS

Sections:

New: 03.1, 03.3, 03.51 and 03.53.

Redesignated: 03.1 as 03.2, and 03.51 as 03.52.

Amended: None other than the redesignations listed above.

PART 1—RULES OF PRACTICE AND PROCEDURE

Sections:

New: None.

Amended: 1.1 (c) (3) and (f) (13), 1.4 (a) (4), 1.6, 1.8, 1.9, 1.11 (a) and (d), 1.12, 1.13, 1.15 (b), 1.16, 1.17 (e) and (f), 1.18, 1.19 (a), 1.20 (b) and (k), 1.23 (a), 1.24 (a), (e) and (h), 1.25 (b), 1.26 (a) and (c) (3) through (5), 1.27 (a) and (b), 1.28, 1.29 (e), 1.30 (c) and (d), 1.31 (a), (c), (d) (2), (e), and (f), 1.32 (b).

(B) The said general rules as amended herein, be and the same are hereby promulgated and prescribed to become effective and be applicable to proceedings before the Commission initiated on or after July 1, 1947;

(C) No power, right, obligation or duty in any proceeding initiated prior to July 1, 1947, arising or existing under or by virtue of any provisions of the Commission's General Rules superseded or amended as herein provided, shall be affected thereby; and

(D) The Secretary of the Commission shall cause prompt publication of this order and accompanying new and amended sections of the aforesaid parts and subchapter of Chapter I, Title 18, Code of Federal Regulations, to be made in the FEDERAL REGISTER, and further, shall cause to be made and reproduced a pamphlet publication of the Commission's "General Rules Including Rules of Practice and Procedure (Effective July 1, 1947)" to be effective as to proceedings initiated on or after July 1, 1947, as provided by this order.

The Commission, on June 16, 1947, adopted its Order No. 138, amending the Commission's "General Rules Including Rules of Practice and Procedure," as prescribed and made effective September 11, 1946 by the Commission's Order No. 132, August 23, 1946 (11 F. R. 177A, pp. 487-509). The said "general rules," as amended by Order No. 138, are prescribed to be effective and applicable to proceedings before the Commission initiated on or after July 1, 1947.

PART 01—ORGANIZATION

Sec.

01.3 Organization. [Amended]

01.4 Delegations of final authority. [Amended]

01.6 Duties of Commission staff groups. [Amended]

Note: This part includes, among others, the above listed sections as published in September 11, 1946 issue of the FEDERAL REGISTER pursuant to Commission Order No. 132, August 23, 1946 (11 F. R. 177A, pp. 487-489, 496-497). By Order No. 138, June 16, 1947, the Commission amended §§ 01.3, 01.4, and 01.6, effective July 1, 1947. Only the amended sections are set forth below.

§ 01.3 Organization. The staff of the Commission is organized into the following groups, all of which report directly to the Commission:

(a) The Office of the Secretary; the Bureau of Power; the Bureau of Accounts, Finance and Rates; the Bureau of Law; the Division of Examiners; the Publications Division; the Office of the Chief Engineer; the Budget and Fiscal Division; and the Personnel and Administrative Services Division.

(b) The Natural Gas Investigation (Docket No. G-580) which is being conducted by a separate staff unit under a Special Assistant to the Commission, and which is expected to be concluded during the present fiscal year.

§ 01.4 Delegations of final authority. The Commission has authorized:

(a) Except as otherwise expressly provided in the Commission's rules and regulations, the Secretary, or in his absence, the Acting Secretary, to receive and pass upon petitions, motions, or requests of electric public utilities, licensees, natural gas companies and other persons for extensions of time for filing required reports, data and information, and for extensions of time for doing other acts required or allowed to be done at or within a specified time by any rule, regulation, license, permit, certificate, or order of the Commission, not to exceed in any event an extension of 60 days beyond the time or period originally prescribed.

(b) The Secretary, or in his absence, the Acting Secretary, to schedule hearings and issue notices thereof.

(c) The Secretary, or in his absence, the Acting Secretary, to accept service of process upon behalf of the Commission.

(d) The Chief of the Bureau of Power to interpret schedules of power system statements of electric utilities (Forms No. 12, etc.) and to obtain supplemental information required to assure complete and adequate statements; and Regional Engineers to grant 30-day extensions of time for filing such statements.

(e) The Chief of the Bureau of Accounts, Finance and Rates to issue interpretations of the Uniform Systems of Accounts for Public Utilities, Licensees, and Natural Gas Companies; to suspend the requirements of Account 901—Charges by Associated Companies; Clearing, of those systems; to interpret schedules of annual reports of electric public utilities, licensees, and natural gas companies (Forms No. 1, 2, etc.) and obtain supplemental information required to assure complete and adequate reports.

(f) The chief examiner and the examiners designated to preside at hearings, to exercise the powers and functions stated and enumerated for presiding officers in the Commission's rules and regulations, particularly its rules of practice and procedure.

§ 01.6 *Duties of Commission staff groups.* The duties of the various groups into which the staff of the Commission is organized are described as follows:

(a) *The Office of the Secretary.* The Office of the Secretary, under the direction of the Secretary, receives, records, assigns, and distributes all matters filed with and brought before the Commission for action. In addition to the duties specified in § 01.4 (a) through (c) above, the Secretary serves the orders, rules, regulations, and notices of Commission action; acts as official liaison officer in contacts between the Commission and the public, parties to proceedings, and public officials. The Office of the Secretary includes a public reference section where official dockets and records are maintained, available for public inspection.

(b) *The Bureau of Power.* The Bureau of Power under the direction of the Chief of the Bureau, performs the engineering phases of the licensed project, electrical, river basin, and projects cost work of the Commission. The duties of the Chief include those specified in § 01.4 (d). The Bureau is composed of four functional divisions, the work of which is described as follows:

(1) *The Licensed Projects Division.* The Licensed Projects Division studies and reports on declarations of intentions, applications for preliminary permits and for licenses for water power projects, and related matters; inspects and reports on the construction, operation, and maintenance of such projects; investigates and reports on unlicensed water power developments; studies and reports on applications for restoration of or rights-of-way over power site lands.

(2) *The Electrical Division.* The Electrical Division studies and reports on power markets, adequacy of power supply, interconnection and coordination of power systems, electrical system planning and related matters; collects and checks power system statements submitted by electric utilities; investigates and reports on the engineering features of applications for the approval of security issues, consolidations, mergers, acquisitions, and property disposals of utilities subject to the jurisdiction of the Commission and the jurisdictional status of electric utility systems; makes electrical studies in connection with Commission approval of rate filings for Federal hydroelectric power projects.

(3) *The River Basin Division.* The River Basin Division studies and reports on the comprehensive utilization of river basins for development of hydroelectric power alone and in connection with flood control, navigation, irrigation, and other beneficial purposes; makes investigations and reports as bases for recommendations to other Federal agencies on provisions for hydroelectric power developments at proposed multiple-purpose projects; and makes hydroelectric studies in connection with the approval of rate filings for Federal power projects.

(4) *The Projects Cost Division.* The Projects Cost Division develops and analyzes detailed factual basic cost data covering the construction, maintenance, and operation of water power plants, fuel

plants, and transmission facilities; develops and maintains current detailed costs for use of other groups, including Regional Offices, of the Bureau in the performance of their respective functions; and provides consulting service to other staff groups of the Commission in highly technical cost matters.

(5) *Regional Offices.* Five Regional Offices are operated as part of the Bureau of Power, under the general direction of the Chief of the Bureau. Their locations and the territories they serve are:

(i) Atlanta Regional Office, 428 Grant Building, Atlanta 3, Georgia: Alabama, Florida, Georgia, Kentucky, western half of Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

(ii) Chicago Regional Office, U. S. Custom House, 610 South Canal Street, Chicago 1, Illinois: Illinois, Indiana, Iowa, Michigan, Minnesota, part of Missouri, North Dakota, South Dakota, Nebraska, and Wisconsin.

(iii) Fort Worth Regional Office, Seventh and Lamar Streets, Fort Worth 2, Texas: Arkansas, Colorado, Kansas, Louisiana, parts of Mississippi and Missouri, New Mexico, Oklahoma, Texas, and Wyoming.

(iv) New York Regional Office, Murray-Park Building, 11 Park Place, New York 7, N. Y.: Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and West Virginia.

(v) San Francisco Regional Office, Phelan Building, Market and O'Farrell Streets, San Francisco 2, California: Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, and Washington.

Each Regional Office is under the direction of a Regional Engineer, who is responsible for the activities of the Bureau within the particular territory, including cooperation with other governmental agencies in those activities. He is also responsible for the duties specified in § 01.4 (d).

The Regional Office activities include the investigation of proposed multiple-purpose river basin projects; assisting applicants in complying with requirements for preliminary permits and licenses; field supervision of licensed projects; receipt and checking of annual power system statements submitted by electric utilities; power market surveys; reports on power requirements and supply, interconnection and coordination of electric utility systems, and regional power pools; investigation of interruptions to electric service; and representation of the Commission on field committees.

(c) *The Bureau of Accounts, Finance and Rates.* The Bureau of Accounts, Finance and Rates, under the direction of the Chief of the Bureau, performs the accounting, original cost, finance, statistical, rate, and gas certificate phases of the Commission work. The duties of the Chief include those specified in § 01.4 (e). The Bureau is composed of five divisions, the work of which is described as follows:

(1) *The Division of Accounts.* The Division of Accounts performs all work

relating to the accounting practices of electric public utilities, licensees, and natural gas companies, with the exception of reviewing reclassification and original cost studies of electric public utilities and natural gas companies and claimed net investment in licensed projects; prepares, reviews, and interprets the Uniform Systems of Accounts for Public Utilities, Licensees, and Natural Gas Companies; makes accounting studies and investigations in rate cases; makes depreciation studies; prepares, reviews, and interprets the annual financial reports prescribed by the Commission; and makes special accounting studies as ordered by the Commission.

(2) *The Division of Original Cost.* The Division of Original Cost reviews, investigates, and reports on the reclassification and original cost studies of electric public utilities and natural gas companies and the disposition of related accounting adjustments; and reviews, investigates, and reports on claimed net investment in licensed projects and the disposition of related accounting adjustments. A section of the Division of Original Cost, located in the San Francisco Regional Office described above, audits and reports on the statements of claimed net investment in licensed projects in the western United States.

(3) *The Division of Finance and Statistics.* The Division of Finance and Statistics analyzes and reports on matters relating to electric utility finance, rate of return, security issues, sales and mergers of electric public utility properties; gathers and publishes financial, rate, cost, production, and other statistical information relating to the electric and natural gas industries.

(4) *The Division of Rates.* The Division of Rates investigates the operations, service lives of property, natural gas reserves, and makes cost allocation studies in rate cases involving electric public utilities, licensees, and natural gas companies; analyzes, reports on and makes recommendations regarding the rate schedules filed by electric public utilities, natural gas companies, and certain Federal hydroelectric power projects, including those under the control of the War Department.

(5) *The Division of Gas Certificates.* The Division of Gas Certificates handles matters relating to applications by natural gas companies and others for certificates of public convenience and necessity and the determination of service areas, the exportation and importation of natural gas, and the jurisdictional status of natural gas companies.

(d) *The Bureau of Law.* The Bureau of Law, under the direction of the General Counsel, performs the legal work related to the activities of the Commission. The Bureau is composed of four divisions, the work of which is described as follows:

(1) *The Electric Power Division.* The Electric Power Division performs the legal work under the Federal Power Act and the duties delegated to the Commission under the Bonneville Act, Tennessee Valley Authority Act, Fort Peck Act, and the other authorizations specified in §§ 01.1 (b) and (c), except those

matters handled by the Hydroelectric Projects Division.

(2) *The Natural Gas Division.* The Natural Gas Division performs the legal work under the Natural Gas Act and the other authorizations conferring duties or jurisdiction upon the Commission with respect to natural gas.

(3) *The Hydroelectric Projects Division.* The Hydroelectric Projects Division performs the legal work under Part I of the Federal Power Act and under the duties delegated to the Commission under the Flood Control Acts and the River and Harbor Acts specified in § 01.1 (b) (other than the determination of net investment in licensed projects, rate and service matters, and security issues of licensees under Part I of the Federal Power Act and rate matters under the Flood Control Act of 1944, which are handled by the Electric Power Division).

(4) *The Interpretative and Research Division.* The Interpretative and Research Division prepares legal interpretations and conducts legal research for the General Counsel and the Bureau generally; assists in the preparation of briefs, regulations, and reports on proposed legislation.

(e) *The Division of Examiners.* The Division of Examiners is under the direction of the Chief Examiner. Examiners, when duly designated, preside at pre-hearing conferences and make recommendations as to stipulations reached therein by counsel; preside at public hearings, and rule on the admission of evidence and all procedural questions arising in the course of such hearings; hear oral arguments; consider briefs; report to the Commission on the cases heard, and make initial or recommended decisions supported by findings of fact and conclusions of law. When serving as presiding officers, Examiners may exercise the functions specified in § 01.4 (f).

(f) *The Publications Division.* The Publications Division, under the direction of a Special Assistant to the Commission, edits Commission publications and handles their sale and other distribution; prepares and distributes general information concerning the activities of the Commission; and assists the Commission in contacts with the public.

(g) *The Office of the Chief Engineer.* The Office of the Chief Engineer, under the direction of the Chief Engineer, advises the Commission on special engineering matters, including economic studies and reports on the allocation of costs of multiple-purpose water control projects, and advises with the Bureau of Law on special engineering matters in connection with litigation relating to water power projects.

(h) *The Budget and Fiscal Division.* The Budget and Fiscal Division, under the direction of the Chief of the Division, handles all budget, fiscal, and related matters of the Commission; solicits bids, awards contracts, and purchases supplies, equipment and other materials; assists the Commission in contacts with the Bureau of the Budget, the Comptroller General, and the Appropriation Committees of Congress.

(i) *The Personnel and Administrative Services Division.* The Personnel and

Administrative Services Division, under the direction of the Chief of the Division, performs all personnel functions for the Commission, including recruitment; and all administrative services, including the preparation of illustrative and duplicative material for the other staff groups of the Commission.

PART 02—COURSE AND METHOD OF OPERATION

FUNCTIONS UNDER PART 1 OF THE FEDERAL POWER ACT

- Sec.
02.3 Preliminary permits. [Amended]
02.4 Licenses. [Amended]

NOTE: This part includes, among others, the above listed sections as published in the September 11, 1946 issue of the FEDERAL REGISTER pursuant to Commission Order No. 132, August 23, 1946 (11 F. R. 177A, pp. 493-495, 496-497). By Order No. 138, June 10, 1947, the Commission amended §§ 02.3 and 02.4, effective July 1, 1947. Only the amended sections are set forth below.

§ 02.3 *Preliminary permits.* (a) The requirements for applications for preliminary permits to maintain priority of applications for license, under section 4 (f) of the act, are stated in §§ 4.80, et seq. and 131.10 of this chapter. Such applications are referred to the Bureau of Power and the Bureau of Law for studies and recommendations. Notice of an application filed by any person, association, or corporation is published in local newspapers in the vicinity of the proposed project and is given to states and municipalities likely to be affected, pursuant to section 4 (f) of the act. After notice, a hearing may be held (See § 02.0). If a permit is authorized, it is issued in the manner provided in § 4.85 of this chapter.

(b) Applications for amendment of preliminary permits are governed by the provisions of § 4.84 of this chapter and are processed in the same manner as initial applications, except that notice is given only of applications involving substantial changes in the proposed plan of development.

(c) Proceedings for the cancellation of a preliminary permit may be initiated by a complaint or by Commission order served on the permittee and interested State agencies and published in the FEDERAL REGISTER. Such order is based on staff studies and recommendations by the Bureau of Power and the Bureau of Law. After notice, a hearing may be held (see § 02.0).

§ 02.4 *Licenses.* (a) The following applications are governed by the requirements of the cited sections of this chapter.

(1) Applications for license for proposed major projects (§§ 4.40, et seq. and 131.2 of this chapter)

(2) Applications for license for constructed major projects (§§ 4.50 et seq. and 131.2 of this chapter)

(3) Applications for amendment of licenses for major projects (§§ 5.1, et seq. and 131.30 of this chapter).

(4) Applications for renewal of licenses for major projects under licenses which expire on specified dates (§ 16.1 of this chapter).

(5) Applications for surrender of licenses for major projects (§§ 6.1, et seq.).

Such applications are processed in the manner stated in § 02.3 (a) except those for amendment or surrender of licenses may be acted on by the Commission after thirty (30) days' public notice published in the FEDERAL REGISTER and, if deemed necessary, in local newspapers.

(b) The following applications are processed in the manner stated in § 02.3 (a), except for notice, according to the requirements of the cited sections:

(1) Applications for licenses for minor projects (§§ 4.60 et seq. and 131.6 of this chapter)

(2) Applications for licenses for transmission lines only (§§ 4.70 et seq. and 131.5 of this chapter).

(3) Applications for extension of time for commencing or completing construction of a project (§§ 5.3 and 131.30 of this chapter)

(4) Applications for amendment of licenses for minor projects or transmission lines only (§§ 5.1 et seq. and 131.30 of this chapter).

(5) Applications for approval of transfer of license or lease of project property (§§ 9.1 et seq. and 131.20 of this chapter).

(6) Applications for renewal of licenses for minor projects or transmission lines only under license which expires on a specified date (§§ 16.1 of this chapter)

(7) Applications for approval of plans and exhibits (§§ 5.2 and 131.30 of this chapter)

(8) Applications for surrender of licenses for minor projects or transmission lines only (§§ 6.1 et seq. of this chapter)

(9) Applications for annual licenses (§ 16.1 of this chapter).

(10) Applications concerning a minor part only of a complete project except for transmission lines only (Regulations for similar applications for major projects are applicable)

(c) *Termination of license.* Proceedings for the termination of a license pursuant to section 13 of the act may be initiated by a complaint or by Commission order served on the licensee and interested State agencies and published in the FEDERAL REGISTER. Such order is based on staff studies and recommendations by the Bureau of Power and the Bureau of Law. After notice, a hearing may be held (see § 02.0)

PART 03—SUBSTANTIVE RULES, GENERAL POLICY AND INTERPRETATIONS

SUBSTANTIVE RULES UNDER THE FEDERAL POWER ACT

- Sec.
03.1 Regulations under the Federal Power Act. [Added]
03.2 Uniform system of accounts. [Redesignated]
03.3 Approved forms. [Added]

SUBSTANTIVE RULES UNDER THE NATURAL GAS ACT

- 03.51 Regulations under the Natural Gas Act. [Added]
03.52 Uniform system of accounts. [Redesignated]
03.53 Approved forms. [Added]

NOTE: This part as published in the September 11, 1946, issue of the FEDERAL REGISTER pursuant to Commission Order No. 132, August 23, 1946 (11 F. R. 177A, pp. 495-496, 498-497), included, among others, §§ 03.1

and 03.51, with the headnote "Uniform system of accounts" referring to the systems of accounts prescribed under the Federal Power and Natural Gas Acts, respectively. By Order No. 138, June 16, 1947, the Commission amended Part 03, effective July 1, 1947, to redesignate §§ 03.1 and 03.51 as 03.2 and 03.52, with no change in the headnotes or texts, respectively, and further amended Part 03 to add new §§ 03.1, 03.3, 03.51 and 03.53, as listed above. The new and redesignated sections are set forth below.

SUBSTANTIVE RULES UNDER THE FEDERAL POWER ACT

§ 03.1 *Regulations under the Federal Power Act.* The "Regulations under the Federal Power Act" considered in part substantive and in part procedural, are published as Subchapter B of this chapter.

§ 03.2 *Uniform system of accounts.* The uniform system of accounts prescribed for public utilities and licensees subject to the provisions of the Federal Power Act, is published in Parts 101, 102, and 103 of Subchapter C of this chapter. Other accounting regulations thereunder are published in Parts 104, 116, 120 and 125.

§ 03.3 *Approved forms.* The approved forms, statements, and reports under the Federal Power Act, are listed and described in §§ 02.13 and 02.44 of this subchapter.

SUBSTANTIVE RULES UNDER THE NATURAL GAS ACT

§ 03.51 *Regulations under the Natural Gas Act.* The "Regulations under the Natural Gas Act", considered in part substantive and in part procedural, are published as Subchapter E of this chapter.

§ 03.52 *Uniform system of accounts.* The uniform system of accounts prescribed for natural gas companies subject to the provisions of the Natural Gas Act, is published in Part 201 of Subchapter F of this chapter. Other accounting regulations thereunder are published in Part 221 of this chapter.

§ 03.53 *Approved forms.* The approved forms, statements, and reports under the Natural Gas Act, are listed and described in § 02.73 of this subchapter.

PART 1—RULES OF PRACTICE AND PROCEDURE

The Commission's Order No. 132, August 23, 1946, prescribing "rules of practice and procedure" (§§ 1.0 to 1.37, inclusive) effective September 11, 1946, was published in the FEDERAL REGISTER of the same date (11 F. R. 177A, pp. 496-509). On June 16, 1947 the Commission adopted its Order No. 138, amending its "general rules including Rules of Practice and Procedure" including amendment of the sections listed below, effective July 1, 1947. Each section listed and amended is set forth in full below, except where it is otherwise indicated and there are set forth only the particular paragraphs, subparagraphs or subdivisions as amended of the indicated sections.

Sec.

- 1.1 The Commission. [Amended]
- 1.4 Appearances and practice before the Commission. [Amended]
- 1.6 Complaints and orders to show cause. [Revised]
- 1.8 Intervention. [Revised]
- 1.9 Answers. [Revised]
- 1.11 Amendments and withdrawal of pleadings. [Amended]
- 1.12 Motions. [Revised]
- 1.13 Time; extensions of time; issuance of orders. [Revised]
- 1.15 Formal requirements as to pleadings, documents and other papers filed in proceedings. [Amended]
- 1.16 Subscription and verification. [Revised]
- 1.17 Service. [Amended]
- 1.18 Prehearing conferences; offers of settlement. [Revised]
- 1.19 Notice. [Amended]
- 1.20 Hearings. [Amended]
- 1.23 Subpenas. [Amended]
- 1.24 Depositions. [Amended]
- 1.25 Stipulations. [Amended]
- 1.26 Evidence. [Amended]
- 1.27 Presiding officers. [Amended]
- 1.28 Appeals to Commission from rulings of presiding officers. [Revised]
- 1.29 Briefs and oral arguments before presiding officers and proposed findings and orders. [Amended]
- 1.30 Decisions. [Amended]
- 1.31 Exceptions to intermediate decisions and briefs and oral arguments before Commission. [Amended]
- 1.32 Shortened procedures. [Amended]

NOTE: In the sections listed above (§ 1.1 et al.) the numbers to the right of the decimal point correspond with the respective "rule" numbers in the pamphlet publication of the Commission's "General Rules Including Rules of Practice and Procedure (Effective July 1, 1947)"

§ 1.1 The Commission. * * *

(c) *Sessions.* The Commission meets and exercises its powers in any part of the United States. * * *

(3) *Special.* Special sessions of the Commission for consultation, or for the transaction of business, may be held at any time and place as may be scheduled by the Commission.

(f) *Definitions.* As used in this part, except as otherwise required by the context * * *

(13) *Interveners.* Persons petitioning to intervene as provided by § 1.8, when admitted as a participant to a proceeding, and State Commissions giving notice of intervention as provided in said section, are styled interveners. Admission as an intervener shall not be construed as recognition by the Commission that such intervener might be aggrieved by any order of the Commission in such proceeding.

§ 1.4 Appearances and practice before the Commission—(a) Appearances. * * *

(4) Any person appearing before or transacting business with the Commission in a representative capacity may be required by the Commission or the presiding officer to file evidence of his authority to act in such capacity.

§ 1.6 *Complaints and orders to show cause—(a) Informal complaints—(1) Form.* Informal complaints may be made by letter or other writing, and will be filed as received. Matters informally presented will, if their nature so war-

rants, be taken up by correspondence or conference with the party or parties complained of in an endeavor to bring about satisfaction of the complaint without formal hearing.

(2) *Substance.* No form of informal complaint is prescribed but in substance it should contain the name and address of complainant, the name and address of the party against whom the complaint is made, and a brief statement of the facts forming the basis of such complaint. Although the filing of an informal complaint is without prejudice to complainant's right to file a formal complaint, only formal complaints submitted and prosecuted in the manner prescribed in this section will initiate formal proceedings or make complainant a party to any proceedings already initiated, and only formal complaints will be admitted in the record of formal proceedings. It is desirable that the informal complaint be accompanied by sufficient copies to enable the Commission to transmit one to each party named and to each interested State commission, and retain one for its own use, and it may be accompanied by supporting papers.

(b) *Formal complaints—(1) Form.* Formal complaints shall be in writing and under oath and shall conform to the requirements of §§ 1.15 and 1.16. In such complaints there shall be stated the names and addresses of all parties, complainant and defendant, in full without abbreviations, with the name and address of each complainant's attorney, if any.

(2) *Substance.* Formal complaints shall be so drawn as fully and completely to advise the parties, defendant and the Commission of the facts constituting the grounds of the complaint, the provisions of statutes, rules, regulations, and orders relied upon, involving authority of the Commission, the injury complained of, and the relief sought.

(c) *Joinder.* Two or more grounds of complaint involving the same purposes, subject, or state of facts, may be included in one complaint, but should be separately stated and numbered; and two or more complainants may join in one complaint if their respective causes of complaint are against the same defendant or defendants, and involve substantially the same purposes and subject, and a like state of facts.

(d) *Orders to show cause.* Whenever the Commission desires to institute a proceeding against any person under statutory or other authority, the Commission may commence such action by an order to show cause setting forth the grounds for such action. Said order will contain a statement of the particulars and matters concerning which the Commission is inquiring, which shall be deemed to be tentative and for the purpose of framing issues for consideration and decision by the Commission in the proceeding, and the order will require that the respondent named respond orally, or in writing (as provided in § 1.9 (c)), or both.

§ 1.8 *Intervention—(a) Initiation of intervention.* Participation in a proceeding as an intervener may be initiated as follows:

(1) By the filing of a notice of intervention by a State Commission, including any regulatory body of the State or municipality having jurisdiction to regulate rates and charges for the sale of electric energy, or natural gas, as the case may be, to consumers within the intervening State or municipality.

(2) By order of the Commission upon petition to intervene.

(b) *Who may petition.* A petition to intervene may be filed by any person claiming a right to intervene or an interest of such nature that intervention is necessary or appropriate to the administration of the statute under which the proceeding is brought. Such right or interest may be:

(1) A right conferred by statute of the United States;

(2) An interest which may be directly affected and which is not adequately represented by existing parties and as to which petitioners may be bound by the Commission's action in the proceeding (the following may have such an interest: consumers served by the applicant, defendant, or respondent; holders of securities of the applicant, defendant, or respondent; and competitors of the applicant, defendant, or respondent)

(3) Any other interest of such nature that petitioner's participation may be in the public interest.

(c) *Form and contents of petitions.* Petitions to intervene shall set out clearly and concisely the facts from which the nature of the petitioner's alleged right or interest can be determined, the grounds of the proposed intervention, and the position of the petitioner in the proceeding, so as fully and completely to advise the parties and the Commission as to the specific issues of fact or law to be raised or controverted, by admitting, denying, or otherwise answering, specifically and in detail, each material allegation of fact or law asserted in the proceeding, and citing by appropriate reference the statutory provisions or other authority relied on. They shall in other respects comply with the requirements of §§ 1.15 and 1.16.

(d) *Filing and service of petitions.* Petitions to intervene and notices of intervention shall be filed with the Commission within the time provided in any notice of the proceeding or in the order fixing date of hearing, but not less than 10 days before the date set for the commencement of the hearing, if any, except as otherwise specifically permitted by the Commission in extraordinary circumstances for good cause shown. Service shall be made as provided in § 1.17. Where a person has been permitted to intervene notwithstanding his failure to file his petition within the time prescribed in this paragraph, the Commission or presiding officer may, where the circumstances warrant, admit any exhibit in evidence without requiring additional copies thereof to be produced for such intervenor.

(e) *Answers to petitions.* Any party to the proceeding or staff counsel may file an answer to a petition to intervene, and in default thereof, may be deemed to have waived any objection to the granting of such petition. If made, answers shall

be filed within 10 days after the date of service of the petition, but not later than 5 days prior to the date set for the commencement of the hearing, if any, unless for cause the Commission with or without motion shall prescribe a different time. They shall in all other respects conform to the requirements of §§ 1.15 to 1.17, inclusive.

(f) *Notice and action on petitions—*

(1) *Notice and service.* Petitions to intervene, when tendered to the Commission for filing, shall show service thereof upon all participants to the proceeding in conformity with § 1.17 (b)

(2) *Action on petitions.* As soon as practicable after the expiration of the time for filing answers to such petitions or default thereof, as provided in paragraph (e) of this section, the Commission will grant or deny such petition in whole or in part or may, if found to be appropriate, authorize limited participation. No petitions to intervene may be filed or will be acted upon during a hearing unless permitted by the Commission after opportunity for all parties to object thereto. Only to avoid detriment to the public interest will any presiding officer tentatively permit participation in a hearing in advance of, and then only subject to, the granting by the Commission of a petition to intervene.

(g) *Limitation in hearings.* Where there are two or more intervenors having substantially like interests and positions, the Commission or presiding officer may, in order to expedite the hearing, arrange appropriate limitations on the number of attorneys who will be permitted to cross-examine and make and argue motions and objections on behalf of such intervenors.

§ 1.9 *Answers—*(a) *Answers to formal complaints and petitions.* Answers to formal complaints and petitions, other than petitions to intervene, shall be filed with the Commission within 30 days after the date of service, unless for cause the Commission with or without motion shall prescribe a different time, but in no case shall answer be required in less than 10 days after the date of service. Any defendant failing to file answer within such period shall be deemed in default, and all relevant basic facts stated in such complaint or petition may be deemed admitted. All answers shall be in writing and under oath, and so drawn as fully and completely to advise the parties and the Commission as to the nature of the defense. They shall admit or deny specifically and in detail each material allegation of the pleading answered, and state clearly and concisely the facts and matters of law relied upon. They shall conform to the requirements of §§ 1.15 to 1.17, inclusive.

(b) *Answers to petitions to intervene.* See § 1.8 (e).

(c) *Answers to orders to show cause.* Any person upon whom an order to show cause has been served under § 1.6 shall, if directed so to do, respond to the same by filing within the time specified in said order an answer in writing and under oath. Such answer shall be drawn so as specifically to admit or deny the allegations or charges which may be made in

said order, set forth the facts upon which respondent relies, and state concisely the matters of law relied upon. Mere general denials of the allegations of said order unsupported by specific facts upon which respondent relies will not be considered as complying with the order and may be deemed a basis for entry of a final order without hearing, unless otherwise required by statute, on the ground that the response has raised no issues requiring a hearing or further proceedings. Any respondent failing to file answer within the time allowed shall be deemed in default, and all relevant facts stated in said order to show cause may be deemed admitted. Such answer shall otherwise conform to the requirements of §§ 1.15 to 1.17, inclusive.

(d) *Answers to motions.* See § 1.12 (c)

(e) *Defendants seeking affirmative relief.* Defendants seeking relief against other parties in a proceeding by reason of the presence of common questions of law or fact shall set forth in their answer the facts constituting the grounds of complaint, the provisions of the statutes, rules, regulations, or orders relied upon, the injury complained of, and the relief sought. The answer shall in all other respects conform to the requirements of this section and §§ 1.15 to 1.17, inclusive.

(f) *Replies to defendants seeking affirmative relief.* Unless otherwise ordered by the Commission, replies to answers seeking affirmative relief must be filed and served within 15 days after the service of the answer, but not later than 5 days prior to the date set for the commencement of the hearing, if any. They shall in all other respects conform to the requirements of §§ 1.15 to 1.17, inclusive.

(g) *Answers to amendments of pleadings.* Any party to a proceeding or staff counsel may file an answer to any amendment, modification or supplement to an application, complaint, petition or other pleading. If made, answers shall be filed within 15 days after the date of service of the amendment, modification or supplement, unless for cause the Commission or presiding officer with or without motion shall prescribe a different time. They shall in all other respects conform to the requirements of §§ 1.15 to 1.17, inclusive.

(h) *Satisfaction of complaints.* If the defendant satisfies a formal complaint either before or after answering, a statement to that effect signed by the opposing parties shall be filed, setting forth when and how the complaint has been satisfied and requesting dismissal. Such statements shall be served upon all parties, and the original copies of such statements, when filed, shall show service on all parties, and in other respects shall conform to the requirements of §§ 1.15 to 1.17, inclusive; all additional copies shall be conformed thereto.

§ 1.11 *Amendments and withdrawal of pleadings—*(a) *Amendments.* Any modification or supplement to an application, complaint, petition or other pleading shall be deemed as an amendment to the pleading, and shall comply with the requirements of the rules of this chapter relating to the pleading amended in so far as appropriate and in all other re-

spects shall conform to the requirements of §§ 1.15 to 1.17, inclusive. Upon its own motion or upon motion promptly filed by any participant, the Commission may for good cause decline to permit, or may strike in whole or in part, any amendment. No amendment to a pleading may be filed within 5 days next preceding the commencement of or during a hearing unless directed or permitted by the Commission or the presiding officer after opportunity for all parties to be heard thereon.

(d) *Withdrawal of pleadings.* A participant desiring to withdraw a pleading filed with the Commission may file a notice of withdrawal thereof with the Commission. Such notice shall set forth the reasons for the withdrawal and conform to the requirements of this section and §§ 1.15 to 1.17, inclusive, as to copies, form, service, subscription, and verification. A certificate shall accompany every notice showing service on all participants. Unless otherwise ordered by the Commission for good cause, such notice shall, 30 days after the filing thereof, be deemed to have effected the withdrawal of the pleading, including amendments, if any. *Provided, however* That this paragraph shall not be construed as effecting, without express permission of the Commission, withdrawal of:

(1) Any pleading in any proceeding in which a hearing has been held or convened;

(2) Any formal complaint, answer thereto, response to order to show cause, or any amendment to any of the aforesaid pleadings;

(3) Any declaration of intention or application for license, or amendment thereof, under Part I of the Federal Power Act.

§ 1.12 *Motions*—(a) *Scope and contents.* After a hearing has commenced in a proceeding, a request may be made by motion for any procedural or interlocutory ruling or relief desired except as may be expressly provided for in §§ 1.5, 1.6, 1.7 (b) and (c), 1.8, 1.9, 1.10 and 1.11. Other motions may be made as provided for elsewhere in this part. Motions shall set forth the ruling or relief sought, and state the grounds therefor and the statutory or other authority relied upon.

(b) *Presentation.* The requirements of §§ 1.15 to 1.17, inclusive, shall apply to all written motions. Motions made during hearings may be stated orally upon the record, *Provided, however* That the Commission or presiding officer may require that such motions be reduced to writing and filed separately.

(c) *Objections.* Any party or staff counsel shall have ten days within which to answer or object to any motion unless the period of time is otherwise fixed by the Commission or presiding officer.

(d) *Rulings on.* The presiding officer designated to preside at a hearing is authorized to rule upon any motion not formally acted upon by the Commission prior to the commencement of the hearing where immediate ruling is essential in order to proceed with the hearing, and

upon any motion filed or made after the commencement thereof and prior to the submission of his initial or recommended decision in the proceedings, *Provided, however* That no motion made before or during a hearing, a ruling upon which would involve or constitute a final determination of the proceeding, shall be ruled upon by a presiding officer except as a part of either his initial or recommended decision submitted after the conclusion of the hearing, *Provided, further* That this section shall not be construed as precluding a presiding officer, within his discretion, from referring any motion to the Commission for ultimate determination. The Commission will rule upon all other motions and upon such motions as presiding officers may certify to the Commission for disposition.

§ 1.13 *Time; extensions of time; Issuance of orders*—(a) *Computation of time.* Except as otherwise provided by law, in computing any period of time prescribed or allowed by this part, by any rule, regulation, or order of the Commission, or by any applicable statute, the day of the act, event, or default from or after which the designated period of time begins to run shall not be included, but the last day of the period so computed shall be included, unless it is a Saturday, Sunday, or a legal holiday in the District of Columbia, in which event the period shall run until the end of the next day which is not a Saturday, Sunday, or a holiday. A part-day holiday shall be considered as other days and not as a holiday.

(b) *Issuance of orders.* In computing any period of time involving the date of the issuance of an order by the Commission, the day of issuance of an order shall be the day the Office of the Secretary mails or delivers copies of the order (full text) to the parties or their attorneys of record, or makes such copies public, whichever be the earlier. Orders will not be made public prior to the mailing or delivery to the parties or their attorneys of record, except where, in the judgment of the Commission, the public interest so requires. The day of issuance of an order may or may not be the day of its adoption by the Commission. In any event, the Office of the Secretary shall clearly indicate on each order the date of its issuance. At the time any intermediate initial or tentative decision becomes effective as a decision of the Commission in the absence of Commission review as provided for by §§ 1.30 and 1.31, the Secretary will issue and serve upon the parties of record an appropriate notice of the date such decision became effective as a Commission decision or order.

(c) *Effective dates of orders.* Orders of the Commission shall be effective as of the dates of issuance unless otherwise specifically provided in the orders.

(d) *Extensions of time.* Except as otherwise provided by law, whenever by any rule, regulation, or order of the Commission, or any notice given thereunder, an act is required or allowed to be done at or within a specified time, the time fixed or the period of time prescribed may, by the Commission or the presiding officer, for good cause be ex-

tended upon motion made before expiration of four-fifths of the period originally prescribed or as previously extended; and upon motion made after the expiration of the specified period, the act may be permitted to be done where reasonable grounds are shown for the failure to act.

(e) *Continuances.* Except as otherwise provided by law, the Commission may for good cause at any time, with or without motion, continue or adjourn any hearing. A hearing before the Commission or a presiding officer, shall begin at the time and place ordered by the Commission, but thereafter may be adjourned from time to time or from place to place by the Commission or the presiding officer.

(f) *Requests for continuance, time extensions.* Except as otherwise provided by law, requests for continuance of hearings or for extensions of time in which to perform any act required or allowed to be done at or within a specified time by any rule, regulation, or order of the Commission, shall be by motion in writing, timely filed with the Commission, stating the facts on which the application rests, except that during the course of a hearing in a proceeding, such requests may be made by oral motion in the hearing before the Commission or the presiding officer. Written motions filed under this section shall conform to the requirements of §§ 1.12, and 1.15 to 1.17, inclusive.

§ 1.15 *Formal requirements as to pleadings, documents, and other papers filed in proceedings.* * * *

(b) *Copies.* Except as may be otherwise required by the rules or regulations of the Commission, or ordered or requested by the Commission, at the time pleadings, documents, or other papers other than correspondence, are filed with the Commission, there shall be furnished to the Commission an original and 19 confirmed copies of such papers and exhibits, if any. *Provided, however* When service is made by the parties, or service is not required to be made, only an original and 14 confirmed copies need be filed. (See § 1.17 (f) re service and § 1.26 (c) (5) re exhibits in hearings)

§ 1.16 *Subscription and verification*—(a) *Subscription*—(1) *By whom.* Applications, formal complaints, petitions and other pleadings, amendments thereto, notices, reports, exhibits, and other requests, submittals, or statements filed with the Commission shall be subscribed: (1) by the person filing the same, and severally if there be more than one person so filing; (2) by an officer thereof if it be a corporation, trust, association, or other organized group; (3) by an officer or employee thereof if it be a State commission, a department or political subdivision of a State, or other governmental authority, agency, or instrumentality; or (4) by an attorney having authority with respect thereto. Applications, formal complaints, petitions to intervene and petitions initiating proceedings, filed by any corporation, trust, association, or other organized group, may be required to be supplemented by appropriate evidence of the authority of

the officer or attorney subscribing such pleadings.

(2) *Effect.* The signature of the person, officer or attorney subscribing any pleading or matter filed with the Commission constitutes a certificate by such individual that he has read the pleading or matter being subscribed and filed, and knows the contents thereof; that if executed in any representative capacity, the matter has been subscribed and executed in the capacity specified upon the pleading or matter filed with full power and authority so to do; that the contents are true as stated, except as to matters and things, if any, stated on information and belief, and that as to those matters and things, he believes them to be true.

(b) *Verification.* Any facts alleged in the matter filed shall be verified under oath by the person filing, an officer, or other person having knowledge of the matters set forth. If the verification be by any one other than the person filing or other than an officer thereof, it shall include a statement of the reason therefor.

§ 1.17 Service. * * *

(e) *Certificate of service.* There shall accompany and be attached to the original of each pleading, document, or other paper filed with the Commission, when service is required to be made by the parties, a certificate of service in the form prescribed, 18 CFR 131.1, 250.1. All other copies filed shall be fully conformed thereto.

(f) *Copies.* Where service is made by the parties, or service is not required to be made, save to the extent a different number is required by the Commission's rules and regulations governing the specific filing, an original and 14 conformed copies of such pleadings, documents, or other papers, together with exhibits, if any, shall be filed with the Commission in lieu of the original and 19 conformed copies required by § 1.15 (b). (See § 1.26 (c) (5) re exhibits in hearings.)

§ 1.18 *Prehearing conferences—Offers of settlement—(a) To adjust or settle proceedings.* In order to provide opportunity for settlement of a proceeding, or any of the issues therein, there may be held at any time prior to or during hearings before the Commission or a presiding officer designated to preside at conferences or hearings, such informal conferences of parties and staff counsel for the submission and consideration of facts, arguments, offers of settlement, or proposals of adjustment as time, the nature of the proceeding, and the public interest may permit.

(b) *To expedite hearings.* To expedite the orderly conduct and disposition of any hearing, at such prehearing conferences as may be held, there may be considered, in addition to any offers of settlement or proposals of adjustment, the possibility of the following:

- (1) The simplification of the issues;
- (2) The exchange and acceptance of service of exhibits proposed to be offered in evidence;
- (3) The obtaining of admission as to, or stipulations of, facts not remaining in dispute, or the authenticity of documents

which might properly shorten the hearing;

(4) The limitation of the number of expert witnesses;

(5) Such other matters as may properly be dealt with to aid in expediting the orderly conduct and disposition of the proceeding.

(c) *Initiation of conferences.* The Commission with or without motion may direct that a prehearing conference be held. Upon motion by a party or staff counsel timely filed, a presiding officer designated to preside at the hearing or such other officer as may be designated may direct the attorneys for the parties to such proceedings and staff counsel to appear for a prehearing conference to consider the matters outlined in paragraph (b) of this section. Due notice of the time and place of such conference will be given to all parties to the proceeding and staff counsel.

(d) *Conference results stipulated.* Upon conclusion of a prehearing conference, attorneys for the parties and staff counsel shall immediately reduce the results thereof to the form of a written stipulation which recites the matters agreed upon, and 10 copies thereof shall forthwith be filed with the Commission by the presiding officer of such conference. Such stipulations may be received in evidence at a hearing and, when so received, shall be binding on the parties and staff counsel with respect to the matters therein stipulated.

(e) *Offers of settlement.* Nothing contained in this Section shall be construed as precluding any party to a proceeding from submitting at any time offers of settlement or proposals of adjustment to all parties and to the Commission (or to staff counsel for transmittal to the Commission) or from requesting conferences for such purpose. Unaccepted proposals of settlement or of adjustment or as to procedure to be followed and proposed stipulations not agreed to shall be privileged and shall not be admissible in evidence against any counsel or person claiming such privilege.

§ 1.19 *Notice—(a) Rule making.* Before the adoption of any rule or the commencement of any hearing on any proposed rule making, the Commission will cause general notice to be given by publication in the FEDERAL REGISTER (unless all persons subject thereto are named and either personally served or otherwise have actual notice thereof in accordance with law), such notice to be filed with the FEDERAL REGISTER not less than 15 days prior to the date fixed for the consideration of the adoption of a proposed rule or rules or for the commencement of the hearing, if any, on the proposed rule making, except where a shorter period is reasonable and good cause exists therefor. Such notice will state the time, place, and nature of the proceeding, recite the authority under which the rule is proposed to be adopted and promulgated, and include either the terms or substance of the proposed rule or a description of the subjects and issues involved to inform interested persons of the nature of the proceeding, so as to permit any interested person to submit

views, data, or proposals relative thereto; and such notice will set forth a time period in which interested persons may submit written data, views, or arguments concerning the proposed rule, indicating also whether opportunity for oral presentation or public hearing is contemplated; *Provided, however, That:*

(1) Where the Commission, for good cause, finds it impracticable, unnecessary, or contrary to the public interest to give such notice, it may proceed with the adoption of rules without notice by incorporating therein a finding to such effect and a concise statement of the reasons therefor;

(2) Except where notice or hearing is required by statute, the Commission may issue at any time rules of organization, procedure or practice, or interpretative rules, or statements of policy, without notice or public proceedings; and

(3) This section is not to be construed as applicable to the extent that there may be involved any military, naval or foreign affairs function of the United States, or any matter relating to the Commission's management or personnel, or to United States property, loans, grants, benefits, or contracts.

§ 1.20 Hearings. * * *

(b) *Consolidation.* The Commission, upon its own motion, or upon motion by a party or staff counsel, may order proceedings involving a common question of law or fact to be consolidated for hearing of any or all the matters in issue in such proceedings.

(k) *Transcript and record.* Hearings shall be stenographically reported by the official reporter of the Commission, and a transcript of said report shall be a part of the record and the sole official transcript of the proceeding. Such transcripts shall include a verbatim report of the hearings; nothing shall be omitted therefrom except as is directed on the record by the Commission or the presiding officer. After the closing of the record, there shall not be received in evidence or considered as part of the record any document, letter, or other writing submitted after the close of testimony except as provided in paragraph (j) of this section, or changes in the transcript as provided in paragraph (1) of this section.

§ 1.23 *Subpenas—(a) Issuance.* Subpenas for the attendance of witnesses or for the production of documentary evidence, unless directed by the Commission upon its own motion, will issue only upon application in writing to the Commission or the presiding officer, except that during sessions of a hearing in a proceeding, such application may be made orally on the record before the Commission or presiding officer, who is hereby given authority to determine the relevancy and materiality of the evidence sought and to issue such subpenas in accordance with such determination. Such written applications shall be verified and shall specify as nearly as may be the general relevance, materiality, and scope of the testimony or documen-

tary evidence sought, including, as to documentary evidence, specification as nearly as may be, of the documents desired and the facts to be proved by them in sufficient detail to indicate the materiality and relevance of such documents.

* * * * *

§ 1.24 *Depositions*—(a) *When permissible*. The testimony of any witness may be taken by deposition, upon application by a participant in a proceeding pending before the Commission, at any time before the hearing is closed, upon approval by the Commission or the presiding officer.

(e) *Oath and reduction to writing*. Every person whose testimony is taken by deposition shall be sworn, or shall affirm concerning the matter about which he shall testify, before any questions are put or testimony given. The testimony shall be reduced to writing by the Officer, or under his direction, after which the deposition shall be subscribed by the witness and certified in the usual form by the Officer. Unless otherwise directed in the authorization, after the deposition has been subscribed and certified, it shall, together with the number of copies specified in the authorization, the copies being made by such Officer or under his direction, be forwarded by such Officer in a sealed envelope addressed to the Commission at its office in Washington 25, D. C., with sufficient stamps for postage affixed. Upon receipt thereof, the Secretary shall file the original in the proceeding and shall forward a copy to each party or his attorney of record and to staff counsel.

* * * * *

(h) *Not part of record unless received in evidence*. No part of a deposition shall constitute a part of the record in the proceeding, unless received in evidence by the Commission or presiding officer. Objection may be made at the hearing in the proceeding to receiving in evidence any deposition or part thereof for any reason which would require the exclusion of the evidence if the witnesses were then present and testifying.

§ 1.25 *Stipulations*. * * *

(b) *Form, style, and service*. Stipulations shall conform to the applicable requirements of §§ 1.15 to 1.17, inclusive, except stipulations made orally on the record during hearings.

§ 1.26 *Evidence*—(a) *Form and admissibility*. In any proceeding before the Commission or a presiding officer relevant and material evidence shall be admissible, but there shall be excluded such evidence as is unduly repetitious or cumulative, or such evidence as is not of the kind which would affect reasonable and fair-minded men in the conduct of their daily affairs.

* * * * *

(c) *Documentary*. * * *

(3) *Records in other proceedings*. When any portion of the record in any other proceeding before the Commission is offered in evidence and shown to be relevant and material to the instant proceeding, a true copy thereof shall be presented in the form of an exhibit, together

with additional copies as provided in subparagraph (5) of this paragraph, unless:

(i) The participant offering the same agrees to supply, within a period of time specified by the Commission or the presiding officer, such copies at his own expense, if and when so required; and

(ii) The portion is specified with particularity in such manner as to be readily identified, and upon motion is admitted in evidence by reference to the records of the other proceeding.

(4) *Form and size*. Wherever practicable, all exhibits of a documentary character received in evidence shall be on paper of good quality and so prepared as to be plainly legible and durable, whether printed, photostated or typewritten, and shall conform to the requirements of § 1.15 whenever practicable.

(5) *Copies to parties and Commission*. Except as otherwise provided in these rules, when exhibits of a documentary character are offered in evidence, copies shall be furnished to the presiding officer and to the parties or counsel, including staff counsel, unless the Commission or the presiding officer otherwise directs. In addition, unless otherwise directed by the Commission or the presiding officer, 4 copies of each exhibit of documentary character shall be furnished for the use of the Commission.

* * * * *

§ 1.27 *Presiding officers*—(a) *Designation*. When evidence is to be taken in a proceeding, either the Commission, or, when duly designated for that purpose, one or more of its members, examiners, or other representative appointed according to law, may preside at the hearing:

(b) *Authority delegated*. Presiding officers duly designated by the Commission to preside at hearings shall have the authority, within the Commission's powers and subject to its published rules, as follows:

(1) To regulate the course of hearings;

(2) To administer oaths and affirmations;

(3) To issue subpoenas;

(4) To rule upon offers of proof and receive evidence;

(5) To take or cause depositions to be taken;

(6) To hold appropriate conferences before or during hearings;

(7) To dispose of procedural matters but not, before their initial or recommended decisions, to dispose of motions made during hearings to dismiss proceedings or other motions which involve final determination of proceedings;

(8) Within their discretion, or upon direction of the Commission, to certify any question to the Commission for its consideration and disposition;

(9) To submit their initial or recommended decisions in accordance with § 1.30;

(10) To take any other action necessary or appropriate to the discharge of the duties vested in them, consistent with the statutory or other authorities under which the Commission functions and with the rules, regulations, and policies of the Commission.

§ 1.28 *Appeals to Commission from rulings of presiding officers*—(a) *During hearing*. Rulings of presiding officers may not be appealed from during the course of hearings except in extraordinary circumstances where prompt decision by the Commission is necessary to prevent detriment to the public interest. In such instance the matter shall be referred forthwith by the presiding officer to the Commission for determination.

(b) *Offers of proof*. Any offer of proof made in connection with an objection taken to any ruling of the presiding officer rejecting or excluding proffered oral testimony shall consist of a statement of the substance of the evidence which counsel contends would be adduced by such testimony; and if the excluded evidence consists of evidence in documentary or written form or of reference to documents or records, a copy of such evidence shall be marked for identification and shall constitute the offer of proof.

§ 1.29 *Briefs and oral arguments before presiding officers and proposed findings and orders*. * * *

(e) *Briefs, filing and service*. Briefs not filed and served on or before the dates fixed therefor shall not be accepted for filing, except by special permission of the Commission or the presiding officer. All briefs shall be accompanied by a certificate showing service upon all parties or their attorneys who appeared at the hearing or on brief, and except where filing of a different number is permitted or directed by the Commission or presiding officer, 20 copies of each brief shall be furnished for the use of the Commission. Requests for the extension of time in which to file briefs shall conform to the requirements of § 1.13, and shall be filed at least five days before the time fixed for filing such briefs.

§ 1.30 *Decisions*—(a) *Initial decisions by presiding officers*. In proceedings in which the Commission has not presided at the reception of evidence, except as otherwise provided in this part, the presiding officer, as soon as practicable after the conclusion of the hearing and expiration of the time for filing of briefs, shall certify and file with the Secretary, for the Commission, a copy of the record of the hearing, including his report thereon. Except as otherwise provided, such presiding officer's report shall constitute the initial decision, which shall be served upon all parties, or their attorneys of record, and staff counsel, who may file exceptions in the manner and within the time provided in § 1.31.

* * * * *

(c) *Waiver and omission of intermediate decision procedure*. (1) In lieu of any intermediate decision (initial by presiding officer, recommended by presiding officer or designated responsible officer, or tentative by the Commission), any party or staff counsel in any proceeding may request all other parties and staff counsel concurring in such request, that the Commission forthwith render the final decision. In such re-

quests for omitting the intermediate decision procedure there shall be specified:

(i) The concurrence of the other parties and staff counsel;

(ii) Whether opportunity for presenting oral argument or filing briefs before the presiding officer or Commission is desired or waived;

(iii) Whether opportunity for presenting proposed findings and conclusions with supporting reasons therefor, is desired or waived; and

(iv) Whether the parties reserve only their rights to apply to the Commission for rehearing and to petition for judicial review of the Commission's decision or order as may be provided for by the statute under which the proceeding was initiated and conducted.

(2) In rule-making or initial licensing proceedings the Commission, with or without request or motion therefor, may render the decision upon a finding on the record that due and timely execution of its functions imperatively and unavoidably so requires.

(3) Requests for waiver and omission of the intermediate decision procedure shall be by motion filed with the Commission at any time during, but not less than five days next following, the conclusion or adjournment sine die of the hearing; shall be in writing under oath, subscribed and verified; and shall in all other respects conform to the requirements of §§ 1.12 and 1.15 to 1.17, inclusive; *Provided, however* That during sessions of hearings in proceedings, motions for such waiver and omission may be made orally on the record before the presiding officer, who shall forthwith report the same to the Commission.

(d) *Final decisions.* All decisions of the Commission shall be final (subject only to application for rehearing provided for by the statute under which the proceeding is initiated and conducted), except tentative decisions that may be issued in rule-making or determining applications for initial licenses as herein provided. Final decisions shall include:

(1) Decisions by the Commission in proceedings in which the Commission has presided at the reception of evidence;

(2) Decisions upon appeal of intermediate decisions to the Commission by the parties or staff counsel, by filing exceptions in the manner and time provided by § 1.31, or upon review initiated by the Commission within 10 days next following the expiration of the time for filing exceptions under the aforesaid Section, or such other time as the Commission may fix in specific cases;

(3) Intermediate initial or tentative decisions, upon the expiration of the time provided for an appeal to or review by the Commission without such appeal or review having been initiated;

(4) Decisions by the Commission in rule-making, or initial licensing proceedings, in which the Commission omits the intermediate decision procedure upon a finding that due and timely execution of its functions imperatively and unavoidably so requires;

(5) Decisions by the Commission in proceedings in which, under the provisions of paragraph (c) of this section all

parties and staff counsel have waived or concurred in the waiving and omission of the intermediate decision procedure, and in lieu thereof have requested that the Commission forthwith render the final decision, and in which the Commission has not denied such request within 10 days next following its filing; and

(6) Decisions by the Commission in shortened proceedings as provided in § 1.32.

§ 1.31 *Exceptions to intermediate decisions and briefs and oral arguments before Commission*—(a) *Exceptions, filing of.* Any party or staff counsel desiring to appeal to the Commission may, within 20 days after the service of a copy of an intermediate decision (initial or recommended by subordinates, or tentative by Commission) or such other time as may be fixed by the Commission, file exceptions thereto.

(c) *Failure to except results in waiver.* Failure to file exceptions within the time allowed under this section shall constitute a waiver of all objections to the intermediate decision served. No matter not included in the exceptions filed as provided in this Section may thereafter be objected to before the Commission upon brief or oral argument, or in an application for Commission rehearing; and any matter not included in such exceptions shall be deemed waived. Exceptions covering rulings admitting or excluding evidence not objected to at the time the rulings were made, will be unavailing.

(d) *Briefs and oral argument before Commission.*

(2) *Hearing before presiding officer.* In proceedings in which the Commission has not presided at the reception of the evidence, any party or staff counsel may file a motion requesting opportunity to present oral argument or to file briefs concerning matters before the Commission for decision, except that where exceptions have been filed, they shall constitute the brief before the Commission. Such motions may be filed at any time during a proceeding, but not later than the time permitted for the filing of exceptions to the intermediate decision, *Provided, however* That opportunity to file briefs or to make oral argument may be requested in motions for waiver of intermediate decisions, as provided in § 1.30 (c)

(e) *Briefs and arguments, contents and scope.* When the Commission has presided at the reception of the evidence, or when the parties have waived the intermediate decision procedure, briefs and arguments before the Commission may include and present for consideration the matters as provided in § 1.29 relating to briefs and oral arguments before presiding officers, and in all other respects, as applicable, such arguments and briefs shall conform to the requirements of the aforesaid section. In all other proceedings, briefs, and oral arguments before the Commission may include those matters that may properly be included and presented in exceptions to intermediate decisions, subject to the same conditions contained in paragraph (c) of this section.

(f) *Exceptions and briefs, form and service.* Exceptions and briefs shall conform to the requirements as applicable of §§ 1.15 and 1.17, as to copies, form, and service, 15 copies thereof being filed with the Commission, in addition to the copies served on the parties to the proceedings.

§ 1.32 *Shortened procedures.* * * *

(b) *Noncontested proceedings.* In any proceeding required by statute to be set for hearing, the Commission when it appears to be in the public interest and to the interest of the parties to grant the relief or authority requested in the initial pleading, and to omit the intermediate decision procedure, may after a hearing during which no opposition or contest develops, forthwith dispose of the proceeding upon consideration of the pleadings and other evidence filed and incorporated in the record; *Provided*, (1) the applicant or initial pleader requests that the intermediate decision procedure be omitted and waives oral hearing and opportunity for filing exceptions to the decision of the Commission; and (2) no issue of substance is raised by any request to be heard, protest or petition filed subsequent to publication in the FEDERAL REGISTER of the notice of the filing of an initial pleading and notice or order fixing date of hearing, which notice or order shall state that the Commission considers the proceeding a proper one for disposition under the provisions of this section, and shall otherwise conform with the requirements of § 1.19. Requests for the procedure provided by this section may be contained in the initial pleading or subsequent request in writing to the Commission. The decision of the Commission in such proceeding after noncontested hearing, will be final, subject to reconsideration by the Commission upon application for rehearing as provided by statute.

(Secs. 209, 309, 49 stat. 853, 858, secs. 16, 17, 52 Stat. 830; 16 U. S. C. 824 h, 825 h, 15 U. S. C. 717 o, 717 p)

Date of issuance: June 19, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-5639; Filed, June 19, 1947;
8:45 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T. D. 51639]

PART 2—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

INVOICE REQUIREMENTS

Section 8.15 (a) Customs regulations of 1943 (19 CFR, Cum. Supp., 8.15 (a)) as amended by T. Ds. 51036, 51105, 51222, 51333, 51588, and 51686, is hereby further amended by adding a new subparagraph (28) reading as follows:

§ 8.15 *When certified invoices not required.* (a) * * *

(28) Materials accorded free entry under paragraph 1631, Tariff Act of 1930.

(Sec. 484, 46 Stat. 722, sec. 12, 52 Stat. 1083, secs. 498, 624, 46 Stat. 728, 759; 19 U. S. C. 1484, 1498, 1624)

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

Approved: June 13, 1947.

E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-5838; Filed, June 19, 1947;
8:55 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VI—Federal Public Housing Authority

PART 603—FINAL DELEGATIONS OF AUTHORITY

DELEGATIONS TO REGIONAL OFFICE OFFICIALS

Section 603.2 (11 F. R. 177A-901) is hereby amended, effective upon publication in the FEDERAL REGISTER, in the following particulars:

1. Paragraph (a) (1) (xxviii) (c) is amended to read as follows:

§ 603.2 *Delegations to Regional Office Officials*—(a) *Delegations of authority to Regional Directors.* (1) * * *

(xxviii) In connection with the management of public conversion projects:

(c) To modify or extend leases for converted properties, and to sell leases where the combined net recovery through operation and sale of the leasehold exceeds 60% of the full conversion cost.

2. Paragraph (j) (1) (ii) is amended to read as follows:

(j) *Delegations of authority to regional conversion management supervisors, assistant regional and area conversion management supervisors, and field representatives.* * * *

(1) To regional conversion management supervisors the power:

(ii) To modify or extend leases for converted properties, and to sell leases where the combined net recovery through operation and sale of the leasehold exceeds 60% of the full conversion cost.

(Sec. 1, 54 Stat. 1125; 42 U. S. C. 1521)

Approved: June 13, 1947.

[SEAL] D. S. MYER,
Commissioner

[F. R. Doc. 47-5807; Filed, June 19, 1947;
8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Sugar Rationing Administration, Department of Agriculture

[Gen. RO 20]

PART 705—ADMINISTRATION

General Ration Order 20 is issued to read as follows:

Preamble. On March 31, 1947 the Sugar Control Extension Act of 1947 was enacted, extending sugar price and rationing controls to October 31, 1947, and inventory controls until March 31, 1948, or such earlier dates as the Secretary of Agriculture might determine to

be appropriate in the light of the sugar supply situation.

At the time this act became law, the allocation of sugar out of the world supply to the United States was 6,800,000 tons for the calendar year 1947. Out of this supply, the Secretary of Agriculture was directed to allocate sugar to consumers at a rate of not less than 35 pounds of sugar per capita during the year, and, in addition, to devote any increased allocation of sugar to consumers alone until the rate of consumer sugar allocation reached at least 50 pounds per capita for the year.

Consumer use of sugar varies widely within the United States, depending on such factors as individual tastes, desire for home canning, availability of and desire to utilize commercially prepared sugar-containing products, and many others. In the past, when sugar rationing was carried on with the help of 5,500 Local Boards, home canning needs of individual consumers, which are a major factor in quantitative variations in consumer use of sugar, could administratively be handled on an individual basis, satisfying within the limits of the total available supply, all consumer needs in their varying quantities. Now, with only 42 Branch Offices administering sugar rationing throughout the country, home canning needs cannot be handled on an individual basis. It is impossible to devise any practicable system for distributing sugar to consumers in relation to their individual needs, since these vary so widely by geographic area, and within each such area. Accordingly, sugar rationing to consumers has had to be carried on by uniform validation of ration stamps of equal value for all consumers, and for all consumer purposes, regardless of the need of some individuals for greater or lesser amounts.

This month an increase in the overall sugar allocation to this country from 6,800,000 tons to 7,150,000 tons for the year 1947 has been made. This means that, under the legislative mandate, allocations for consumer use can and will be increased. Although this will not fully meet the needs of high-use consumers, many consumers will receive a right to get more sugar than they want, and the disparity between actual use by consumers, and the amount allotted to that purpose will increase. This would result in the paradoxical situation wherein, while total supply is still inadequate to meet total, unrestricted demand, a surplus will be created of the amount which low-use consumers will not consume out of the total consumer allocation.

If consumers should be permitted to purchase sugar without restriction, no such artificial surplus would result. However, in order to comply with the spirit of the legislative mandate, and, wholly apart therefrom, to assure consumers a fair share of the total, and still not wholly adequate supply, it would be necessary to restrict other users to their previously determined share of the total available supply.

This order is designed to achieve both results. It permits consumers and institutional users to purchase sugar with-

out ration evidences. It also continues the limitations on use of sugar by industrial users, such as bakers, bottlers, and other industrial sugar users which have thus far been in force. Further, these are implemented by record keeping requirements.

Aside from consumers, industrial users bulk largest in actual consumption of sugar. Institutional users use only a small percentage of the total sugar supply, though they are substantially greater in numbers than industrial users. Institutional users generally have received sugar rations for meal services comparable as nearly as possible to the quantities of sugar available for that purpose to the household consumers. For these reasons, since consumers will be able to acquire sugar without ration evidences, institutional users are also permitted to do so, and the limitations on industrial users will assure consumers of their fair share of sugar.

Wholesalers and retailers may acquire sugar without ration evidences, but may not deliver sugar to industrial users except as provided by the other rationing regulations. In addition, wholesalers and retailers may not accept delivery of or have in inventory more than 110 percent of their allowable inventory. This represents an overall allowable inventory adjustment of 10 percent, which is made in view of the increased allocation of sugar available to the United States for this year.

Sec.

- 1 Relation of this order to other rationing regulations.
- 2 Sugar may be delivered to consumers and institutional users without ration evidences.
- 3 Restrictions applicable to industrial users are continued.
- 4 Limitations on acquisition and inventory of sugar by wholesalers and retailers.
- 5 Records.
- 6 Definitions.

AUTHORITY: § 705.6 issued pursuant to the authority vested in the Secretary of Agriculture by the Sugar Control Extension Act of 1947.

SECTION 1. *Relation of this order to other rationing regulations.* Except as otherwise provided in this order, or to the extent they may be inconsistent with the provisions of this order, all other provisions of the rationing regulations shall remain in full force and effect.

SEC. 2. *Sugar may be delivered to consumers and institutional users without ration evidences.* Sugar may be delivered to or acquired by a consumer or institutional user without surrender or receipt of ration evidences.

SEC. 3. *Restrictions applicable to industrial users are continued.* No industrial user may acquire or use sugar and no person may knowingly deliver sugar to any industrial user, except as permitted by the other rationing regulations.

SEC. 4. *Limitations on acquisition and inventory of sugar by wholesalers and retailers.* (a) Sugar may be delivered to or acquired by wholesalers and retailers without surrender or receipt of ration evidences, subject to the provisions of paragraphs (b) and (c) of this section.

(b) No wholesaler or retailer may accept delivery of, or have in inventory at any time, more sugar than 110 percent of the amount of his allowable inventory as determined under the rationing regulations.

(c) No wholesaler or retailer may receive delivery of, or have in inventory, any sugar unless and until he has been given an allowable inventory pursuant to the provisions of the rationing regulations.

(d) Wholesalers and retailers may not knowingly deliver sugar to any industrial user except as permitted by the other rationing regulations.

SEC. 5. Records.—(a) *Primary distributors and wholesalers.* In addition to the records required by Third Revised Ration Order 3, primary distributors and wholesalers must also keep as part of their records the ration checks or other evidences which industrial users are required to surrender for the delivery of sugar to them, except checks issued and dated by industrial users prior to June 12, 1947.

(b) *Retailers.* In addition to the records required by Third Revised Ration Order 3, a retailer must keep the following records at his retail establishment for each delivery made by him of more than 100 pounds of sugar or of any quantity to an industrial user:

(1) The name and address of the buyer.

(2) The address to which delivery was made.

(3) The date of delivery and the amount of sugar delivered.

(4) The ration checks or other evidences which industrial users are required to surrender for the delivery of sugar to them, except checks issued and dated by industrial users prior to June 12, 1947.

(c) *Industrial users.* In addition to the records required by the other rationing regulations, each industrial user shall keep records at his industrial user establishment, or if he has more than one such establishment registered together, at his principal place of business, showing with respect to each delivery of sugar received by him, the name and address of the person by whom the delivery was made, the address to which the delivery was made, the amount of sugar delivered and the date of delivery.

SEC. 6. Definitions. (a) As used herein the term "rationing regulations" shall mean all regulations relating to the allocation of sugar issued under, or continued in effect by, the Sugar Control Extension Act of 1947, including, but not limited to, Third Revised Ration Order 3, General Ration Order 3, Revised General Ration Order 5, General Ration Order 8, Revised General Ration Order 18, and General Ration Order 19.

(b) All other terms used herein shall have the meanings given them by the respective rationing regulations in which they are used.

This order shall become effective 12:01 a. m., June 12, 1947.

NOTE: The record keeping requirements of this order have been approved by the Bureau

of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 16th day of June 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-5871; Filed, June 18, 1947;
3:34 p. m.]

Chapter IX—Office of Materials Distribution, Bureau of Foreign and Domestic Commerce, Department of Commerce

[Materials Control Reg. 2]

PART 903—DELEGATIONS OF AUTHORITY COMPLIANCE

§ 903.10 *Materials Control Regulation 2*—(a) *Explanation.* There has been established in the Office of the Secretary of Commerce, the position of Chief Compliance Commissioner for the Office of Materials Distribution. This regulation provides for the performance of certain functions by the Chief Compliance Commissioner, his deputy and compliance commissioners to assure compliance with orders, regulations and other administrative actions of the Office of Materials Distribution of the War Production Board and the Civilian Production Administration, the responsibility for which has been transferred to the Director of the Office of Materials Distribution.

(b) *Compliance Commissioners.* The Chief Compliance Commissioner and a deputy designated by him are hereby authorized to select and to designate compliance commissioners to perform the functions described in paragraph (c) below, in respect to cases referred to the office of the Chief Compliance Commissioner by the Office of Materials Distribution. Upon such referral and designation, the compliance commissioners are hereby authorized to perform the functions and take the actions described in paragraph (c).

(c) *Delegation to Compliance Commissioner.* Compliance Commissioners designated pursuant to paragraph (b) above are hereby authorized:

(1) To consider all charges of violation of orders, regulations and other administrative actions referred to them;

(2) To preside at hearings held for this purpose, to determine the facts and to recommend to the Director of the Office of Materials Distribution, administrative action including the issuance of suspension orders in appropriate cases;

(3) To preside at hearings held in connection with investigations of alleged violations even though no formal charge has been made;

(4) For the purpose of obtaining any information, verifying any report required or making any investigations concerning the violation of any order, regulation or other administrative action, to administer oaths and affirmations and to require by subpoena, issued in the name of the Secretary of Commerce by a compliance commissioner, the attendance of witnesses and the production of books, records or other documentary or phys-

ical evidence determined by the compliance commissioner to be relevant.

(i) Subpoenas issued pursuant to this paragraph (4) shall be returnable before a compliance commissioner. If prior to the return date specified in the subpoena, the person against whom the subpoena is issued furnishes the compliance commissioner with a true and certified copy of the books, records or other documentary evidence called for by the subpoena, then the production of such evidence shall not be required at any place other than the place where the person against whom the subpoena is issued resides or transacts business.

(ii) Upon the request of any party to a proceeding before him and on a showing by such party that the evidence sought is of general relevance and reasonable scope, the compliance commissioner shall issue a subpoena to compel the attendance of witnesses and the production of such documentary evidence as the party requesting the subpoena shall indicate.

(5) Compliance commissioners are further authorized and required to furnish or have furnished to any person compelled to submit data or evidence, a copy of such data or a copy of the transcript of evidence upon payment of lawfully prescribed costs; or if such person has a copy of such data or a transcript of such evidence, to permit him to retain the same.

(6) The reports of the compliance commissioners as to the facts found shall be binding upon the respondent and the Office of Materials Distribution for the purpose of administrative compliance proceedings. On appeal by the respondent the facts may be reviewed and new findings of facts made by the Chief Compliance Commissioner or his deputy.

(d) *Administrative proceedings.* The hearing by a compliance commissioner shall be held after reasonable notice to the respondent from the Office of Materials Distribution. The notice shall include a summary statement of the charges and of the alleged facts or conduct on which the charges are based. Upon the hearing, the compliance commissioner shall consider all of the facts relevant to the violation charged, including the testimony, written statements and exhibits submitted to him by the Office of Materials Distribution and by the respondent, and shall file his report and recommendations with that Office. The report shall contain a statement of the facts found by the compliance commissioner to be relevant to the violations charged, together with his conclusions: (1) as to whether or not the facts constituted a violation of any order, regulation or other administrative action; (2) if so, whether or not the violation was willful or the result of gross negligence. The report shall include a recommendation for administrative action or other disposition of the case, and where appropriate be accompanied by a recommendation for referral of the case to the Department of Justice for civil or criminal proceedings. The compliance commissioner shall direct the closing of the case if he finds that the facts do not consti-

tute (i) either a willful violation, or a misrepresentation, or (ii) a violation or misrepresentation caused by gross negligence of the respondent, or (iii) an unauthorized acquisition, delivery, possession, reduction, use or disposition of materials or facilities subject to orders or regulations of the Office of Materials Distribution. In such event he shall notify the respondent that the case is closed not earlier than ten days after he has filed his report and recommendations, unless an appeal is taken by the Office of Materials Distribution within this period.

(e) *Appeals, and other functions.* The Chief Compliance Commissioner and his deputy are hereby further authorized:

(1) To hear and determine appeals by any person against whom a suspension order has been issued by the Office of Materials Distribution. In determining such appeal, the Chief Compliance Commissioner or his deputy may direct the closing of the case; or he may revoke or may modify the suspension order in any respect, except that if he increases the suspension period or the restrictions of the order, he shall do so only with the prior approval of the Director of the Office of Materials Distribution and the General Counsel. There shall be no further administrative appeal from such decisions.

(2) To hear appeals by the Office of Materials Distribution from actions, except findings of facts, of compliance commissioners, and to finally determine the same.

(3) To prescribe rules and procedures for the taking and the disposition of appeals under subparagraphs (1) and (2) of this paragraph.

(4) To direct the issuance of an order staying the operation of a suspension order pending the determination of an appeal.

(5) To revoke any suspension order or to modify the same by diminishing the period of suspension or the restrictions imposed, even though no appeal from the order has been taken by the respondent. Such actions shall be taken only with the prior approval of the General Counsel.

(6) To act himself as compliance commissioner in his discretion.

(7) To exercise general supervision over the work of the compliance commissioners subject only to the direction of the Secretary of Commerce.

(8) To establish policies, standards and procedures to be followed by the compliance commissioners not inconsistent with this regulation, provided that prior to issuance all such policies, standards and procedures are approved by the Solicitor of the Department of Commerce.

(f) *Criminal or civil proceedings not affected.* No action by the Chief Compliance Commissioner, his deputy or a compliance commissioner shall preclude or affect the referral of a case to the Department of Justice for criminal or civil proceedings.

(g) *Responsibility of Commissioners.* The Chief Compliance Commissioner, his deputy and the compliance commis-

sioners shall be responsible solely to the Secretary of Commerce and shall have no duties in the Department of Commerce other than as specified herein. (Sec. 3 (a) (1), Pub. Law 404, 79th Cong., Pub. Laws 24 and 29, 80th Cong., E. O. 9841, 12 F. R. 2645)

Issued this 18th day of June 1947.

WILLIAM C. FOSTER,
Acting Secretary of Commerce.

[F. R. Doc. 47-5921; Filed, June 19, 1947;
11:43 a. m.]

TITLE 37—PATENTS, TRADE-MARKS AND COPYRIGHTS

Chapter I—Patent Office, Department of Commerce

Subchapter A—Patents.

PART 1—PATENTS

MISCELLANEOUS AMENDMENTS

Correction

In Federal Register Document No. 47-5782, appearing on page 3956 of the issue for Thursday, June 19, 1947, the signature at the end should read as follows: "CASPER W. OOMS."

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 95, Amdt. 7]

PART 95—CAR SERVICE

APPOINTMENT OF REFRIGERATOR CAR AGENTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 16th day of June, A. D. 1947.

Upon further consideration of the provisions of Service Order No. 95 (7 F. R. 9257) as amended (8 F. R. 17428; 10 F. R. 15175, 15354; 11 F. R. 4038, 6909; 12 F. R. 47) and good cause appearing therefor: *It is ordered*, That: Service Order No. 95, as amended, be, and it is hereby, further amended by substituting the following paragraph (d) of § 95.302, *Refrigerator car agent*, for paragraph (d) thereof:

(d) This section, as amended, shall expire at 11:59 p. m., December 31, 1947, unless otherwise modified, changed, suspended, or annulled by order of this Commission:

It is further ordered, That this amendment shall become effective at 12:01 a. m., June 29, 1947; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-5821; Filed, June 19, 1947;
8:52 a. m.]

[4th Rev. S. O. 104, Amdt. 6]

PART 95—CAR SERVICE

SUBSTITUTION OF REFRIGERATOR CARS FOR BOXCARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 16th day of June A. D. 1947.

Upon further consideration of Fourth Revised Service Order No. 104 (11 F. R. 2189), as amended (11 F. R. 3952, 9039, 12 F. R. 1235, 1574, 3085) and good cause appearing therefor, it is ordered, that:

Section 95.304 *Substitution of refrigerator cars for boxcars*, of Fourth Revised Service Order No. -04, as amended, be, and it is hereby, further amended by substituting the following paragraph (e) in lieu of paragraph (e) thereof:

(e) *Expiration date.* This section shall expire at 11:59 p. m., December 31, 1947, unless otherwise modified, changed, suspended, or annulled by order of the Commission.

It is further ordered, that this amendment shall become effective at 12:01 a. m., June 29, 1947; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-5832; Filed, June 19, 1947;
8:54 a. m.]

[Rev. S. O. 107, Amdt. 4]

PART 95—CAR SERVICE

FREIGHT CARS TO MEXICO

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 16th day of June A. D. 1947.

Upon further consideration of Revised Service Order No. 107 (9 F. R. 15158), as amended (10 F. R. 10234; 11 F. R. 2190; 12 F. R. 47), and good cause appearing therefor: *It is ordered*, That:

Revised Service Order No. 107, as amended, be, and it is hereby, further amended by substituting the following

paragraph (d) of § 95.7 *Freight cars including refrigerator cars in Mexico*, for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p. m. December 31, 1947, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, That this order shall become effective at 12:01 a. m., June 29, 1947; that copies of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901, 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 47-5831; Filed, June 19, 1947; 8:54 a. m.]

[Rev. S. O. 112, Amdt. 8]

PART 95—CAR SERVICE

DESTINATION FREE TIME ON FRESH OR GREEN FRUITS OR VEGETABLES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 16th day of June A. D. 1947.

Upon further consideration of Revised Service Order No. 112 (9 F. R. 11278-79) as amended (9 F. R. 12656; 10 F. R. 341, 8867, 14575; 11 F. R. 2383, 10304) and good cause appearing therefor: it is ordered, that:

Section 95.112 *Destination free time on fresh or green fruits or vegetables*, of Revised Service Order No. 112, as amended, be, and it is hereby, further amended by substituting the following paragraph (I) for paragraph (I) thereof:

(I) *Expiration date.* This section and all amendments shall expire at 7:00 a. m., December 31, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 12:01 a. m., June 29, 1947; that a copy of this order and direction be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 47-5834; Filed, June 19, 1947; 8:54 a. m.]

[S. O. 129, Amdt. 4]

PART 95—CAR SERVICE

BODY ICE IN REFRIGERATOR CARS; REMOVAL BY CONSIGNEE

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 16th day of June A. D. 1947.

Upon further consideration of the provisions of Service Order No. 129 (8 F. R. 7778) as amended (11 F. R. 8451, 14328; 12 F. R. 1420) and good cause appearing therefor: It is ordered, that:

Section 95.310 *Body ice in refrigerator cars; removal by consignee*, of Service Order No. 129, as amended, be, and it is hereby, further amended by substituting the following paragraph (c) for paragraph (c) thereof:

(c) *Expiration date.* This section, as amended, shall expire at 11:59 p. m., December 31, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, This amendment shall become effective at 12:01 a. m., June 29, 1947; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901, 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 47-5823; Filed, June 19, 1947; 8:53 a. m.]

[S. O. 135, Amdt. 5]

PART 95—CAR SERVICE

DEMURRAGE CHARGES AT MEXICAN BORDER POINTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 16th day of June, A. D. 1947.

Upon further consideration of the provisions of Service Order No. 135 (8 F. R. 9569) as amended (8 F. R. 10941, 11 F. R. 8451, 11077; 12 F. R. 840), and good cause appearing therefor: *It is ordered, That:*

Service Order No. 135, as amended, be, and it is hereby, further amended by substituting the following paragraph (e) for paragraph (e) of § 95.502,

Demurrage charges at Mexican border points.

(e) This section, as amended, shall expire at 11:59 p. m., December 31, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, this amendment shall become effective at 12:01 a. m., June 29, 1947; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 47-5829; Filed June 19, 1947; 8:54 a. m.]

[Rev. S. O. 183, Amdt. 12]

PART 95—CAR SERVICE

REFRIGERATOR CAR DEMURRAGE ON STATE BELT RAILROAD OF CALIFORNIA

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 16th day of June A. D. 1947.

Upon further consideration of Revised Service Order No. 188 (10 F. R. 15175) as amended (11 F. R. 1626, 1992, 3605, 4038, 7043, 9453, 10092, 12 F. R. 1420, 3033, 3672, 3673), and good cause appearing therefor: *It is ordered, That:*

Revised Service Order No. 188 (49 CFR § 95.334) as amended, be, and it is hereby, further amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This section shall expire at 7:00 a. m., December 31, 1947, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, That this amendment shall become effective at 12:01 a. m., June 29, 1947; that a copy of this order and direction be served upon the California State Railroad Commission and upon the State Belt Railroad of California; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901, 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 47-5820; Filed, June 19, 1947; 8:52 a. m.]

[S. O. 260, Amdt. 8]

PART 95—CAR SERVICE

SALTING OF ICE ON CARS OF CITRUS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 16th day of June, A. D. 1947.

Upon further consideration of the provisions of Service Order No. 260 (9 F. R. 14547) as amended (10 F. R. 4818; 11 F. R. 8452, 13639; 12 F. R. 48, 128, 1394, 2037, 2635) and good cause appearing therefor; it is ordered, that:

Section 95.260 *Salting of ice on cars of citrus*, of Service Order No. 260, as amended, be, and it is hereby, further amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) This section, as amended, shall expire at 11:59 p. m., December 31, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 12:01 a. m., June 29, 1947; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the Railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register..

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-5819; Filed, June 19, 1947;
8:52 a. m.]

[S. O. 394, Amdt. 11]

PART 95—CAR SERVICE

FREE TIME ON REFRIGERATOR CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 16th day of June A. D. 1947.

Upon further consideration of Service Order No. 394 (10 F. R. 15008) as amended (10 F. R. 15073, 15354; 11 F. R. 408, 1627, 1992, 2277, 4039, 9453; 12 F. R. 1235, 3673), and good cause appearing therefor it is ordered, that:

Section 95.394 *Free time on refrigerator cars*, of Service Order No. 394, as amended, be, and it is hereby, further amended by substituting the following paragraph (h) for paragraph (h) thereof:

(h) *Expiration date*. This section shall expire at 7:00 a. m., December 31, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 12:01 a. m.,

June 29, 1947; that a copy of this order and direction be served upon each State railroad regulatory body, and upon the Association of American Railroads, Car Service Division, as Agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-5828; Filed, June 19, 1947;
8:53 a. m.]

[S. O. 396, Amdt. 8]

PART 95—CAR SERVICE

RESTRICTIONS ON RECONSIGNING OF PERISHABLES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 16th day of June A. D. 1947.

Upon further consideration of Service Order No. 396 (10 F. R. 15008) as amended (11 F. R. 1627, 4038, 9453; 12 F. R. 1235, 2288, 2479, 3673) and good cause appearing therefor it is ordered, that:

Section 95.396 *Perishables, restrictions on consigning*, of Service Order No. 396, as amended, be, and it is hereby, further amended by substituting the following paragraph (h) for paragraph (h) thereof:

(h) *Expiration date*. This section shall expire at 11:59 p. m., December 31, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 12:01 a. m., June 29, 1947; that a copy of this order and direction be served upon each State railroad regulatory body, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-5835; Filed, June 19, 1947;
8:55 a. m.]

[S. O. 436, Amdt. 5]

PART 95—CAR SERVICE

REMOVAL AND RETURN OF EMPTY REFRIGERATOR CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 16th day of June A. D. 1947.

Upon further consideration of Service Order No. 436 (11 F. R. 815) as amended (11 F. R. 1627, 4039, 9453, 12 F. R. 1235) and good cause appearing therefor it is ordered, that:

Section 95.436, *Removal and return of empty refrigerator cars*, of Service Order No. 436, as amended, be, and it is hereby further amended by substituting the following paragraph (i) for paragraph (i) thereof:

(i) *Expiration date*. This section shall expire at 11:59 p. m., December 31, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 12:01 a. m., June 29, 1947; that a copy of this order and direction be served upon each State railroad regulatory body, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901, 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-5830; Filed June 19, 1947;
8:54 a. m.]

[S. O. 558, Amdt. 3]

PART 95—CAR SERVICE

REFRIGERATOR CARS FOR FRUIT AND VEGETABLE CONTAINERS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 16th day of June A. D. 1947.

Upon further consideration of Revised Service Order No. 558 (11 F. R. 11817) as amended (11 F. R. 12233), and good cause appearing therefor it is ordered, that:

Section 95.558 *Substitution of refrigerator cars for boxcars, to transport fruit and vegetable containers and box shooks*, of Revised Service Order No. 558, be, and it is hereby, further amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date*. This section shall expire at 11:59 p. m., December 31,

1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 12:01 a. m., June 29, 1947; that a copy of this order be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 47-5822; Filed, June 19, 1947;
8:53 a. m.]

[Rev. S. O. 689, Amdt. 1]

PART 97—ROUTING OF TRAFFIC

RETURNING EMPTY REFRIGERATOR CARS THROUGH CHICAGO, ILL.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 16th day of June A. D. 1947.

Upon consideration of Revised Service Order No. 689 (12 F. R. 1753), and good cause appearing therefor, it is ordered, that:

Section 97.689 *Returning empty refrigerator cars through Chicago, Ill.*, of Revised Service Order No. 689, be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This section shall expire at 11:59 p. m., December 31, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 12:01 a. m., June 29, 1947; that a copy of this order be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 49 U. S. C. 1 (10)—(17))

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 47-5833; Filed, June 19, 1947;
8:54 a. m.]

PROPOSED RULE MAKING

TREASURY DEPARTMENT

Bureau of Customs

[19 CFR, Part 61]

[192-25.32]

CALEXICO MUNICIPAL AIRPORT, CALEXICO, CALIF.

NOTICE OF PROPOSED REDESIGNATION AS TEMPORARY AIRPORT OF ENTRY FOR ONE YEAR

Notice is hereby given that, pursuant to authority contained in section 7 (b) of the Air Commerce Act of 1926, as amended (49 U. S. C., Supp., 177 (b)), it is proposed to redesignate the Callexico Municipal Airport, Callexico, California, as a temporary airport of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of said act (49 U. S. C. 179 (b)) for a period of 1 year from July 1, 1947; and it is further proposed to amend the list of temporary airports of entry in § 6.13, Customs Regulations of 1943 (19 CFR, Cum. Supp., 6.13) as amended, to show such redesignation.

This notice is published pursuant to section 4 of the Administrative Procedure Act (Pub. Law 404, 79th Cong.) Data, views, or arguments with respect to the proposed redesignation of the above-mentioned airport as an airport of entry may be addressed to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., in writing. To assure consideration of such communications, they must be received in the Bureau of Customs not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER.

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

JUNE 12, 1947.

[F. R. Doc. 47-5837; Filed, June 19, 1947;
8:55 a. m.]

No. 121—3

[19 CFR, Part 61]

[192-31.32]

FORT YUKON AIRFIELD, FORT YUKON,
ALASKA

NOTICE OF PROPOSED REDESIGNATION AS TEMPORARY AIRPORT OF ENTRY FOR ONE YEAR

Notice is hereby given that, pursuant to authority contained in section 7 (b) of the Air Commerce Act of 1926, as amended (49 U. S. C., Supp., 177 (b)) it is proposed to redesignate the Fort Yukon Airfield, Fort Yukon, Alaska, as a temporary airport of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of said act (49 U. S. C. 179 (b)) for a period of 1 year from July 6, 1947; and it is further proposed to amend the list of temporary airports of entry in § 6.13, Customs Regulations of 1943 (19 CFR, Cum. Supp., 6.13) as amended, to show such redesignation.

This notice is published pursuant to section 4 of the Administrative Procedure Act (Pub. Law 404, 79th Cong.). Data, views, or arguments with respect to the proposed redesignation of the above-mentioned airport as an airport of entry may be addressed to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., in writing. To assure consideration of such communications, they must be received in the Bureau of Customs not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER.

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

JUNE 13, 1947.

[F. R. Doc. 47-5838; Filed, June 19, 1947;
8:55 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR, Ch. VI]

SPECIAL INDUSTRY COMMITTEE No. 5 FOR
PUERTO RICO

NOTICE OF PUBLIC HEARING TO RECEIVE EVIDENCE FOR CONSIDERATION IN RECOMMENDING MINIMUM WAGE RATES FOR EMPLOYEES IN VARIOUS INDUSTRIES

In conformity with sections 5 (e) and 8 of the Fair Labor Standards Act of 1938 (sec. 3 (c) 54 Stat. 615, sec. 8, 52 Stat. 1064; 29 U. S. C. 205 (e) 208) and with § 511.11 of the regulations issued pursuant thereto, (29 CFR, Part 511), notice is hereby given to all interested persons that a public hearing will be held beginning on July 14, 1947, at 10:00 a. m., in the Chamber of Commerce Auditorium, Tetuan Street, San Juan, Puerto Rico, for the purpose of receiving evidence to be considered by Special Industry Committee No. 5 for Puerto Rico in determining the highest minimum wage rates for all employees in Puerto Rico who within the meaning of the said act are "engaged in commerce or in the production of goods for commerce," which, having due regard to economic and competitive conditions, will not substantially curtail employment and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico.

Special Industry Committee No. 6 for Puerto Rico was created by Administrative Order No. 367² to be published in the FEDERAL REGISTER on June 20, 1947. It is charged, in accordance with the provisions of the Fair Labor Standards Act of 1938, as amended, and regulations promulgated thereunder, with the duty

² See F. R. Doc. No. 47-5310, under Labor Department in Notices section, *infra*.

PROPOSED RULE MAKING

of investigating conditions in the following industries of Puerto Rico:

Sugar Manufacturing Industry.
 Railroad, Railway Express, and Property Motor Transport Industry.
 Shoe Manufacturing and Allied Industries.
 Foundry, Machine Shop, and Fabricated Metal Products Industry.
 Small Leather Goods and Related Products Industry.
 Artificial Flower Industry.
 Hooked Rug Industry.
 Wholesaling, Warehousing, and Other Distribution Industries.
 Pearl Button Industry.
 Cigar and Cigarette Industry.
 Full-Fashioned Hosiery Industry.
 Vegetable, Fruit and Fruit Juice Canning Industry.
 Vegetable Packing Industry.

The Committee is further charged with the duty of recommending to the Administrator minimum wage rates which may be not higher than 40 cents per hour for all employees in Puerto Rico in the industries cited above who within the meaning of said act are "engaged in commerce or in the production of goods for commerce," excepting employees exempted by the provisions of section 13 (a) and employees coming under the provisions of section 14. Before any minimum wage rates recommended by the Committee are made effective, a public hearing will be held pursuant to section 8 of the act, at a time and place to be announced by the Administrator and at which all in-

terested persons will have an opportunity to be heard.

Administrative Order No. 367 directed Special Industry Committee No. 5 to proceed first to investigate conditions and to recommend to the Administrator minimum wage rates for employees in the Sugar Manufacturing Industry and thereafter, in such order as the Committee might elect, to investigate conditions respecting, and recommend minimum wage rates for, the employees in the other enumerated industries in Puerto Rico.

Any person, who, in the opinion of the Committee or its duly authorized subcommittee, has a substantial interest in the proceeding and is prepared to present material pertinent to the question under consideration, may appear on his own behalf or on behalf of any other person. Persons wishing to appear are requested to file with Russell Sturgis, Territorial Director of the Wage and Hour Division, 606 Banco Popular Building, Tetuan and San Justo Streets, San Juan, Puerto Rico, not later than July 11, 1947, Notice of Intention to Appear, a copy of which is to be sent to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C. The Notice of Intention to Appear should contain the following information:

1. The name and address of the person appearing.

2. If he is appearing in a representative capacity, the name and address of the person or persons whom, or the organization which, he is representing.

3. A brief summary of the material intended to be presented.

4. The approximate length of time which his presentation will consume.

All testimony will be taken under oath and subject to reasonable cross-examination by any interested person present. Testimony so received will be offered as evidence at the public hearing to be held on such minimum wage recommendations as Special Industry Committee No. 5 for Puerto Rico may make.

Written statements of persons who cannot appear personally will be considered by the Committee provided that at least six copies thereof are received not later than July 14, 1947 at the Wage and Hour Division of the United States Department of Labor, 606 Banco Popular Building, Tetuan and San Justo Streets, San Juan, Puerto Rico. Any person appearing at the hearing who offers written material must submit at least six copies thereof.

Signed at San Juan, Puerto Rico, this 13th day of June 1947.

ANTONIO J. COLORADO,
Chairman,
Special Industry Committee
No. 5 for Puerto Rico.

[F. R. Doc. 47-5811; Filed, June 19, 1947; 8:51 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9183, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8183, Amdt.]

FLORENCE D. UHDE

In re: Real property, bond and mortgage, interests in bonds and mortgages, checks, securities, claims, bank account and interests in property insurance policies owned by Florence D. Uhde.

Vesting Order 8183, dated February 11, 1947, as amended, is hereby further amended as follows and not otherwise:

By deleting from Exhibit C, attached thereto and by reference made a part thereof, the words "The Industrial Company of America," in paragraphs 1 and 2 of said Exhibit C, and substituting therefor the words "The Investment Company of America"

All other provisions of said Vesting Order 8183, as amended, and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on June 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-5845; Filed, June 19, 1947; 8:53 a. m.]

[Vesting Order 9090]

ASAHI MENKA SHOKAI

In re: Debt owing to Asahi Menka Shokai. F-39-209-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Asahi Menka Shokai, the last known address of which is Osaka, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan)

2. That the property described as follows: All those debts or contractual obligations owing to Asahi Menka Shokai, by J. Kahn & Co., Inc., 1203 Cotton Exchange Building, Dallas, Texas, including particularly but not limited to the amount of \$19,498.59, and any and all rights to demand, enforce and collect the same, is property within the United States

owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-5840; Filed, June 19, 1947; 8:53 a. m.]

[Vesting Order 9164]

ELSA MASSENBACH ET AL.

In re: Warrants owned by Elsa Massenbach and others. F-28-1244-D-1, F-28-3681-D-1, F-28-1124-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elsa Massenbach, Karg Bebenberg and Francis H. Mowatt, each of whose last known address is c/o Bayerische Vereinsbank, Munich, Bavaria, Germany, and Franz Hermann Cmok, whose last known address is Rondell 8, Hamburg, Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the property described as follows: All rights in and to Union Pacific Railroad Company extra dividend warrant number 9941 appertaining to fifteen (15) shares of common capital stock of Union Pacific Railroad Company, 120 Broadway, New York, New York, a corporation organized under the laws of the State of Utah, said warrant being dated March 2, 1914 and registered in the name of Elsa Massenbach,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Elsa Massenbach, the aforesaid national of a designated enemy country (Germany),

3. That the property described as follows: All rights in and to Union Pacific Railroad Company extra dividend warrant number 943 appertaining to fifty-five (55) shares of common capital stock of Union Pacific Railroad Company, 120 Broadway, New York, New York, a corporation organized under the laws of the State of Utah, said warrant being dated March 2, 1914 and registered in the names of Karg Bebenberg and Francis H. Mowatt,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Karg Bebenberg and Francis H. Mowatt, the aforesaid nationals of a designated enemy country (Germany)

4. That the property described as follows: All rights in and to Union Pacific Railroad Company extra dividend warrant number 2813 appertaining to thirty (30) shares of common capital stock of Union Pacific Railroad Company, 120 Broadway, New York, New York, a corporation organized under the laws of the State of Utah, said warrant being dated March 2, 1914 and registered in the name of Franz Hermann Cmok,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Franz Hermann Cmok, the aforesaid national of a designated enemy country (Germany), and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof are not

within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director.

[F. R. Doc. 47-5797; Filed, June 18, 1947; 8:49 a. m.]

[Vesting Order 9163]

KAROLINE RUMPEN

In re: Bank account and stock owned by Miss Karoline Rumpen, also known as Caroline Rumpen. F-28-5499-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Miss Karoline Rumpen, also known as Caroline Rumpen, whose last known address is Bad Wiese, Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the property described as follows:

a. That certain debt or other obligation owing to Miss Karoline Rumpen,

also known as Caroline Rumpen, by The Chase National Bank of the City of New York, 18 Pine Street, New York, N. Y., arising out of a Cash Custodian Account, entitled Karoline Rumpen, and any and all rights to demand, enforce and collect the same, and

b. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the name of Cudd & Co., and presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, N. Y., together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director.

EXHIBIT A

Name and address of issuing corporation	State of incorporation	Certificate No.	Number of shares	Type of stock	Par value
Electric Bond & Share Co., 2 Rector St., New York 6, N. Y.	New York	040034	1	Common	\$5.00.
Liggett & Myers Tobacco Co., 4241 Folsom Ave., St. Louis, Mo.	New Jersey	DS2475 G	100	Common B.	\$25.00.
National Dairy Products Corp., 230 Park Ave., New York 17, N. Y.	Delaware	0000004	1	Common	No par.
Public Service Corporation of New Jersey, 60 Park Pl., Newark 1, N. J.	New Jersey	YH2291	100	do	No par.

[F. R. Doc. 47-5793; Filed, June 18, 1947; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[2054898]

MINNESOTA

NOTICE OF FILING OF PLAT OF SURVEY

JUNE 12, 1947.

Notice is given that the plat of survey of lands hereinafter described will be officially filed in Bureau of Land Management, Washington 25, D. C., effective at

10:00 a. m. on August 14, 1947. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from August 14, 1947, to November 12, 1947, inclusive, the public lands affected by this notice shall be subject to (1) application under the homestead law, or the small tract act of June 1, 1938 (52

Stat. 609, 43 U. S. C. sec. 682a) as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279-283) subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans shall be subject to claims of the classes described in subdivision (2)

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from July 25, 1947 to August 14, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on August 14, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on November 12, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from October 23, 1947, to November 12, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on November 12, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Bureau of Land Management, Washington 25, D. C. shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and application under the small tract act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to the Director, Bureau of Land Management, Washington 25, D. C.

The lands affected by this notice are described as follows:

CASS COUNTY, MINNESOTA

5TH PRINCIPAL MERIDIAN

T. 140, N., R. 31 W.,
Sec. 24, lots 7 and 8.

The areas described aggregate 2.39 acres.

The above mentioned plat, based upon the plat approved March 30, 1871, shows the designation and area for frl. sec. 24 which was not shown upon the original plat.

The land is situated at an elevation of one to nine feet above the normal shore line of Birch Lake. The soil is second rate sandy to stony loam supporting a dense growth of mixed timber of no commercial value.

While an application for homestead entry may be considered it is doubtful whether such an application would be allowed, in view of the character of the land and the small area involved.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-5806; Filed, June 19, 1947;
8:50 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[Admn. Order 367]

SPECIAL INDUSTRY COMMITTEE NO. 5 FOR PUERTO RICO

APPOINTMENT TO INVESTIGATE CONDITIONS AND RECOMMEND MINIMUM WAGE RATES¹

1. By virtue of and pursuant to the authority vested in me by section 5 (e) of the Fair Labor Standards Act of 1938, as amended (Sec. 3 (c) 54 Stat. 615; 29 U. S. C. 205 (e)) I, Wm. R. McComb, Administrator of the Wage and Hour Division, United States Department of Labor, do hereby appoint and convene a special industry committee for Puerto Rico composed of the following representatives:

For the Public

Antonio J. Colorado, Chairman, Rio Piedras, Puerto Rico.

José Laracuenté, Rio Piedras, Puerto Rico.

Paul A. Brissenden, Dobbs Ferry, New York.

For the Employers

Filipo L. de Hostos, San Juan, Puerto Rico.

J. A. E. Rodríguez, San Juan, Puerto Rico.

Fernande A. Villamil, San Juan, Puerto Rico.

For the Employees

Francisco Colon-Gordian, San Juan, Puerto Rico.

Sergio Kulian-Baez, San Juan, Puerto Rico.

Sandallo E. Alonso, San Juan, Puerto Rico.

2. The special industry committee herein created, in accordance with the provisions of the Fair Labor Standards Act, as amended, and regulations promulgated thereunder (29 CFR, Part 511) shall meet beginning on July 14, 1947, at 9 a. m. in the Chamber of Commerce Auditorium, Tetuan Street, San Juan, Puerto Rico, and shall proceed to investigate conditions in the industries in Puerto Rico hereinafter enumerated and recommend to the Administrator minimum wage rates for all employees in said industries in Puerto Rico, who within the meaning of said act are "engaged in commerce or in the production of goods for commerce" excepting employees exempted by virtue of the provisions of section

13 (a) and employees coming under the provisions of section 14. Said special industry committee shall first proceed to investigate conditions and to recommend to the Administrator minimum wage rates for employees in the Sugar Manufacturing Industry, and shall thereafter, in such order as the committee may elect, investigate conditions respecting, and recommend minimum wage rates for, the employees in the Railroad, Railway Express, and Property Motor Transport Industry; Shoe Manufacturing and Allied Industries; Foundry, Machine Shop, and Fabricated Metal Products Industry; Small Leather Goods and Related Products Industry; Artificial Flower Industry; Hooked Rug Industry; Wholesaling, Warehousing, and Other Distribution Industries; Pearl Button Industry; Cigar and Cigarette Industry; Full-Fashioned Hosiery Industry; Vegetable, Fruit and Fruit Juice Canning Industry; and Vegetable Packing Industry.

3. For the purpose of this order these industries are defined as follows:

The Sugar Manufacturing Industry in Puerto Rico. The production of raw sugar, cane juice, molasses and refined sugar, and incidental by-products, and all railroad transportation activities carried on by a producer of any of these products (or by any firm owned or controlled by, or owning and controlling such producer, or by any firm owned or controlled by the parent company of such producer) where the railroad transportation activities are in whole or in part used for the production or shipment of the products of the industry, and any transportation activities by truck or other vehicle performed by a producer of the products of the industry in connection with the production or shipment of such products; *Provided, however,* That the industry shall not include any activity covered by the wage order for the shipping industry in Puerto Rico, or any activity included in the railroad, railway express and property motor transport industry as defined in Administrative Order No. 367, appointing Special Industry Committee No. 5 for Puerto Rico.

Railroad, railway express, and property motor transport industry in Puerto Rico.

(a) The industry carried on in Puerto Rico by any railroad carrier under public franchise which holds itself out to the general public to engage in the transportation for compensation of passengers and property in or for commerce or of passengers and property necessary to the production of goods for commerce, and which furnishes transportation service for passengers in an amount not less than \$25,000 annually or which derives at least ten percent of its total operating revenues from passenger transportation service.

(b) The industry carried on in Puerto Rico by any railway express company which holds itself out to the general public to engage in the transportation for compensation of property in or for commerce or of property necessary to the production of goods for commerce.

(c) The industry carried on in Puerto Rico consisting of the transportation, for compensation, by motor vehicle, of property in or for commerce or of prop-

¹ See F. R. Doc. No. 47-5811 under Labor Department in Proposed Rule Making section, *supra*.

erty necessary to the production of goods for commerce.

This definition supersedes the definition contained in any and all wage orders heretofore issued for other industries in Puerto Rico to the extent that such definitions include activities covered by the definition of this industry.

Shoe manufacturing and allied industries in Puerto Rico. (a) The manufacture or partial manufacture of footwear from any material and by any process except knitting, vulcanizing of the entire article or vulcanizing (as distinct from cementing) of the sole to the upper. The term footwear as used herein includes but without limitation: Athletic shoes, boots, boot tops, burial shoes, custom-made boots and shoes, moccasins, puttees (except spiral puttees) sandals, shoes completely rebuilt in a shoe factory, and slippers.

(b) The manufacture from leather or from any shoe upper material of all cut stock and findings for footwear, including bows, ornaments and trimmings: *Provided, however* That the production of bows, ornaments and trimmings by a manufacturer not otherwise covered by this definition shall not be included.

(c) The manufacture of the following types of cut stock and findings for footwear from any material except from rubber or composition of rubber, molded to shape: Cutsoles, midsoles, insoles, taps, lifts, randis, toplifts, bases, shanks, box-toes, counters, stays, stripping, sock linings, and heel pads.

(d) The manufacture of heels from any material except molded rubber, but not including the manufacture of wood-heel blocks.

(e) The manufacture of cut upper parts for footwear, including linings, vamps and quarters.

(f) The manufacture of pasted shoe stock.

(g) The manufacture of boot and shoe patterns.

This definition supersedes the definitions contained in any and all wage orders heretofore issued for other industries in Puerto Rico to the extent that such definitions include products or operations covered by the definition of this industry.

Foundry, machine shop, and fabricated metal products industry in Puerto Rico. The manufacture (including repair) of any product or part made wholly or chiefly of metal, and the assembling of such product or part (wherever done) with other products or parts made from any materials other than metal to form any product the chief component of which is metal: *Provided, however* That there shall be excluded from this industry any product covered by the wage order for the Button, Bead, and Costume Novelty Jewelry Division or the Rosary and Bead Stringing Division of the Metal, Plastics, Machinery, Instrument, Transportation Equipment, and Allied Industries in Puerto Rico, or any product or operation covered by the wage order for the Construction, Business Service, Motion Picture, and Miscellaneous Industries in Puerto Rico.

Small leather goods and related products industry in Puerto Rico. (a) The manufacture from leather, artificial leather, fabric, or similar materials of

small leather goods and like articles, such as wallets, billfolds, card cases, key cases, cigarette cases, watch straps, pouches, tie cases, and toilet kits.

(b) The manufacture of baseballs and softballs covered with leather, artificial leather, fabric, or similar material.

(c) The manufacture of buttons made of strips of leather by a handbraiding process.

This definition includes all articles heretofore covered by the definition of the Leather Goods Industry.

Artificial flower industry in Puerto Rico. The manufacture and assembling of artificial flowers, buds, berries, foliage, leaves, fruits, plants, stems and branches.

This definition does not include such products as are not commonly or commercially known as "artificial", such as flowers made by blowing glass, molding plastics, or carving wood. This definition supersedes the definitions contained in any and all wage orders heretofore issued for other industries in Puerto Rico to the extent that such definitions include products or operations covered by the definition of this industry.

Hooked rug industry in Puerto Rico. The manufacture of hooked rugs.

Wholesaling, warehousing, and other distribution industries in Puerto Rico. The wholesaling, warehousing, and other distribution of commodities including, but without limitation, the wholesaling, warehousing, and other distribution activities of jobbers, importers and exporters, manufacturers' sales branches and offices engaged in distributing products manufactured outside of Puerto Rico, industrial distributors, mail order and retail selling establishments, brokers and agents, and public warehouses.

Provided, however, That the definition shall not include the activities of employees who are engaged in wholesaling, warehousing, or other distribution of products manufactured by their employer in Puerto Rico, or any activities covered by a wage order which has been issued for any other industry in Puerto Rico, or any activities included in any other industry defined in Administrative Order No. 367 appointing Special Industry Committee No. 5 for Puerto Rico.

Pearl button industry in Puerto Rico. The manufacture of ocean pearl and other natural shell buttons.

Cigar and cigarette industry in Puerto Rico. The manufacture of cigarettes, cigars, cheroots and little cigars, including the stemming of cigar wrappers or binders by a cigar manufacturer.

Full-fashioned hosiery industry in Puerto Rico. The manufacture of full-fashioned hosiery but not including dyeing, clocking, and other phases of hosiery finishing.

Vegetable, fruit and fruit juice canning industry in Puerto Rico. The canning of vegetables, fruits, and fruit juices.

Vegetable packing industry in Puerto Rico. The handling, grading, packing, and preparing in the raw or natural state of fresh vegetables.

Signed at Washington, D. C., this 16th day of June 1947.

Wm. R. McComb,
Administrator

[F. R. Doc. 47-5810; Filed, June 18, 1947; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 1932, 1830]

NORTHEAST AIRLINES, INC., MAIL RATE
PROCEEDING

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, of Northeast Airlines, Inc., over its entire system.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 406 and 1001 of said act, that the hearing in the above-entitled proceeding, originally set for June 25, 1947, has been postponed, and is now assigned for June 30, 1947, at 10:00 a. m. (daylight saving time) in Conference Room A, Departmental Auditorium, Constitution Avenue, between 12th and 14th Streets, NW., Washington, D. C., before Examiner Edward T. Stodola.

Dated at Washington, D. C., June 16, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-5318; Filed, June 19, 1947; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-817]

NEW YORK STATE NATURAL GAS CORP.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed on November 20, 1946, and amendment thereto filed on April 14, 1947, and as supplemented on May 20, 1947 by New York State Natural Gas Corporation (Applicant) a New York corporation with its principal place of business in New York, New York, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize Applicant to construct and operate the following described facilities subject to the jurisdiction of the Commission:

1. To be constructed and placed in operation by December 1, 1947, in the State of Pennsylvania:

(a) A continuous loop line to parallel portions of the existing 12¾ inch high pressure lines Nos. 9 and 10 extending northward from a point in Armstrong County to a point in McKean County, consisting of 35 miles of 12¾ inch pipe line and 55 miles of 14-inch pipe line.

(b) Three 300-horsepower and three 600-horsepower gas engine driven compressors with auxiliary equipment, buildings and coolers at the existing Boom compressor station in Tioga County and changes in piping, valves and fittings in and about the station and adjacent to Boom storage pool.

2. To be constructed and placed in operation by December 1, 1948, in the State of Pennsylvania:

(a) Continuation of the looping proposed for the year 1947 consisting of 24.5 miles of 16-inch loop line extending southward from the southernmost point

[Docket No. G-878]

INTERSTATE NATURAL GAS CO., INC.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed March 14, 1947, and supplemental information filed May 13, 1947, in Docket No. G-878 by Interstate Natural Gas Company, Inc. (Applicant) a Delaware corporation with its principal place of business at Monroe, Louisiana, for permission and approval, pursuant to section 7 (b) of the Natural Gas Act, to abandon the following described facilities:

An 8.49 mile section of the 22-inch loop pipe line that has its beginning in Section 32, Township 12 North, Range 8 East, Franklin Parish, Louisiana, 53.5 miles south of DeSiard Compressor Station and ends in Section 8, Township 10 North, Range 8 East, Catahoula Parish, Louisiana, 61.99 miles south of DeSiard Compressor Station and

A 4.8 mile section of the 22-inch loop pipe line that has its beginning in Section 18, Township 10 North, Range 9 East, Catahoula Parish, Louisiana, 66.3 miles south of DeSiard Compressor Station and ends in Section 18, Township 9 North, Range 9 East, Catahoula Parish, Louisiana, 71.1 miles south of DeSiard Compressor Station.

It appearing to the Commission that:

(a) Applicant proposes to abandon the aforesaid loop lines for the reason that they are no longer necessary for the purpose of rendering service to its customers:

(b) This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946) Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on April 12, 1947 (12 F R. 2414),

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946) a hearing be held on July 1, 1947, at 9:45 a. m. (e. d. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., concerning the matters of fact and law asserted in the application filed in the above-entitled proceedings: *Provided, however* If no request to be heard, protest or petition to intervene, raising in the judgment of the Commission an issue of substance, has been filed or allowed prior to the conclusion of the hearing provided for herein, the Commission may then forthwith dispose of the proceeding by order upon consideration of the application and the evidence filed therewith and incorporated in the record of the proceeding, together with such additional evidence as may be made available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested State Commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946)

Date of issuance: June 16, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F R. Doc. 47-5814; Filed, June 19, 1947;
8:51 a. m.]

[Docket No. G-890]

CHICAGO DISTRICT PIPELINE CO.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed April 18, 1947, in Docket No. G-890, by Chicago District Pipeline Company (Applicant) an Illinois corporation having its principal office in Joliet, Illinois, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to lease from the Peoples Gas Light and Coke Company (Peoples Company) and operate certain natural gas facilities, subject to the jurisdiction of the Commission as fully described in such application, public notice thereof having been published in the FEDERAL REGISTER on May 1, 1947, (12 F R. 2935-36)

It appearing to the Commission that:

(a) Applicant states in its application that the lease and operation of the described facilities will not change its presently existing natural-gas transportation system or increase its capacity, but will result in improved operating conditions.

(b) This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested hearings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on May 1, 1947 (12 F R. 2935-36)

The Commission therefore orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946) a hearing be held on July 2, 1947, at 9:30 a. m. (e. d. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters of fact and law asserted in the application filed in the above-entitled proceeding; *Provided, however* That if no request to be heard, or protest or petition to intervene raising in the judgment of the Commission an issue of substance, has been filed or allowed prior to the date hereinbefore set

of the loop line planned to be built in 1947 to a point in Westmoreland County, and 21 miles of 14-inch loop line extending northward from the northernmost point of the loop line planned to be built in 1947 to a point in McKean County.

(b) 13.4 miles of 16-inch pipe line to connect the north end of Line No. 10 in Hebron Township, Potter County, with the south end of Line No. 14 in Genesee Township, Potter County, at the State Line compressor station where it will also connect with Line No. 12 which leads to Applicant's Sabinsville compressor station.

It appearing to the Commission that: This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946) Applicant having requested that its application, as amended, be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application and the amendment thereto, including publication in the FEDERAL REGISTER on December 14, 1946, and May 8, 1947, respectively (11 F R. 14331 and 12 F R. 3056)

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946) a hearing be held on June 26, 1947, at 9:30 a. m. (e. d. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters of fact and law asserted in the application, as amended, filed in this proceeding: *Provided, however* That if no request to be heard, or protest, or petition to intervene, raising in the judgment of the Commission an issue of substance, has been filed or allowed, the Commission may, after such hearing, forthwith dispose of the proceeding by order upon consideration of the application, as amended, and the evidence filed therewith and incorporated in the record of the hearing, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946)

Date of issuance: June 16, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-5815; Filed, June 19, 1947;
8:51 a. m.]

for hearing, the Commission may after a non-contested hearing forthwith dispose of the proceeding by order upon consideration of the application and the evidence filed therewith and incorporated in the record of the proceeding, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946)

Date of issuance: June 17, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-5817; Filed, June 19, 1947;
8:52 a. m.]

[Docket No. G-907]

ARKANSAS-OKLAHOMA GAS CO.

NOTICE OF APPLICATION

JUNE 16, 1947.

Notice is hereby given that on June 6, 1947, Arkansas-Oklahoma Gas Company (Applicant) a Delaware corporation having its principal place of business at Fort Smith, Arkansas, filed application with the Federal Power Commission for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize Applicant to construct and operate certain natural gas facilities subject to the jurisdiction of the Federal Power Commission, described as follows:

38,000 feet (7.2 miles) of 12½" O. D. pipeline extending from the Spiro Field, LeFlore County, Oklahoma to a point north of the Town of Spiro, Oklahoma and parallel to an existing 10½" pipeline.

Applicant represents that the proposed facilities will be used in conjunction with the facilities now in operation for the transportation of natural gas from Oklahoma for resale in the Fort Smith, Arkansas area. The proposed facilities are a segment of a contemplated line, 20 miles in length, parallel to an existing 10½" pipeline. Applicant states that the proposed facilities are required to meet future peak day demands, maintain lower operating pressures and insure against complete curtailment should a break occur in the present pipeline.

Applicant states the over-all capital cost of the proposed facilities will be approximately \$122,000. It will be financed solely out of corporate funds.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint, or concurrent hearing, together with the reasons for such request.

The application of Arkansas-Oklahoma Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946) and shall set out clearly and concisely the facts from which the nature of the petitioner's or protestant's alleged right or interest can be determined.

Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding, so as to advise the parties and the Commission as to the specific issues of fact or law to be raised or controverted, by admitting, denying, or otherwise answering specifically and in detail, each material allegation of fact or law asserted in the proceeding.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-5816; Filed, June 19, 1947;
8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 398, Special Permit 214]

RECONSIGNMENT OF POTATOES AT
CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., June 13, 1947, by National Produce Co., of car PFE 97970, potatoes, now on the Chicago Produce Terminal to Kankakee, Ill. (NYC).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 13th day of June 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-5827; Filed, June 19, 1947;
8:53 a. m.]

[S. O. 493, Amdt. 3]

ROUTING TRAFFIC ON SOUTHERN
PACIFIC CO.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 16th day of June A. D. 1947.

Upon further consideration of Service Order No. 498 (11 F. R. 5078) as amended (11 F. R. 9707; 12 F. R. 339) and good cause appearing therefor: *It is ordered, That:*

Service Order No. 498 be, and it is hereby, amended by substituting the following paragraph (f) for paragraph (f) thereof:

(f) *Expiration date.* This order shall expire at 11:59 p. m., December 31, 1947, unless otherwise modified, changed, suspended, or annulled by order of this commission.

It is further ordered, That this amendment shall become effective at 12:01 a. m., June 29, 1947; that copies of this order and direction be served upon the Southern Pacific Company, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-5824; Filed, June 19, 1947;
8:53 a. m.]

[S. O. 757]

UNLOADING OF STEEL AT CHARLESTON,
W. VA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 16th day of June A. D. 1947.

It appearing, that 2 cars containing scrap steel at Charlestown, W. Va., on The New York Central Railroad Company, have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

(a) *Steel at Charleston, W. Va., be unloaded.* The New York Central Railroad Company, its agents or employees, shall unload immediately cars CNJ 84078 and CBQ 165456, containing scrap steel, on hand at Charleston, W. Va., consigned to Consolidated Steel Mills Co.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., June 18, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911, 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W P BARTEL,
Secretary.

[F. R. Doc. 47-5825; Filed, June 19, 1947;
8:53 a. m.]

[No. 29770]

INCREASED LESS-CARLOAD RATES, OFFICIAL TERRITORY

JUNE 16, 1947.

By petition dated May 29, 1947, common carriers by railroad and certain common carriers by water, operating within official territory and between official territory and northern Illinois, extended Zone C in Wisconsin, and eastern Canada, request leave to file and make effective not later than July 20, 1947, after statutory notice, schedules of increased class rates applicable to less-than-carload and any-quantity freight traffic, within the territory above stated, and to that end petition also for (1) special permission to employ simple forms of supplements to schedules of existing rates, (2) relief from the provisions of the long-and-short-haul clause of the fourth section of the Interstate Commerce Act, and (3) for a general order modifying all outstanding orders to the extent necessary to enable them to make such schedules of increased rates effective as requested.

The petition has been docketed as No. 29770, increased less-carload rates, official territory, and will be assigned for hearing. Notice of the hearing will be given hereafter.

It will be unnecessary for interested parties to file answers or responses to the petition, as they may appear at the hearing and present pertinent evidence without formal pleadings.

The Commission has assigned the proceeding to Division Two for administrative handling.

By the Commission.

[SEAL] W P BARTEL,
Secretary.

[F. R. Doc. 47-5826; Filed, June 19, 1947;
8:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-81]

MIDDLE WEST CORP. ET AL.

SUPPLEMENTAL ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 12th day of June 1947.

In the matter of The Middle West Corporation, Central and South West Utilities Company, and American Public Service Company, File No. 54-81.

The Middle West Corporation ("Middle West") a registered holding company, and Central and South West Corporation ("Central") also a registered holding company and a subsidiary of Middle West, having jointly filed an application requesting that an Order of the Commission entered herein under date of April 30, 1946, as modified, approving a plan filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 providing, among other things, for the merger of Central and South West Utilities Company and American Public Service Company into a single corporation to be known as Central and South West Corporation, and a supplemental order entered herein under date of April 15, 1947, be modified in the following respects:

(1) Central requests that the order of April 30, 1946, as modified, be further modified (a) by extending to June 12, 1947, the time within which stock certificates representing shares of common stock of Central may be issued and delivered under the plan, together with appropriate cash payments in lieu of fractional shares, in exchange for old preference and common shares of Central and South West Utilities Company and American Public Service Company for which such stock certificates were surrendered for exchange to Central or its transfer agent, in due legal form for transfer, on or prior to May 31, 1947, (b) by extending the time within which stock certificates representing shares of common stock of Central may be issued and delivered under the plan, together with appropriate cash payments in lieu of fractional shares, in exchange for old preference and common shares of Central and South West Utilities Company and American Public Service Company for which stock certificates were not surrendered for exchange to Central or its transfer agent, in due legal form for transfer, on or prior to May 31, 1947, to not exceeding ten days after surrender of the certificates representing such old shares, in due legal form for transfer, to Central or its transfer agent any time after May 31, 1947.

(2) Middle West requests that the supplemental order of the Commission entered herein under date of April 15, 1947,

granting an extension of time to June 14, 1947, within which Middle West shall distribute to its own stockholders the common stock of Central received pursuant to the plan exclusive of fractional shares, be modified to provide appropriate recitals with respect to tax matters; and

The Commission having considered the application and deeming it appropriate in the public interest or for the protection of investors or consumers that said application be granted:

It is hereby ordered, That the provisions of the order of April 30, 1946, as modified, be further modified to extend to June 12, 1947, the time within which stock certificates representing common stock of Central may be issued and delivered under the plan, together with appropriate cash payments in lieu of fractional shares, for old preference shares and common shares of Central and South West Utilities Company and American Public Service Company for which certificates therefor were surrendered for exchange to Central or its transfer agent, in due legal form for transfer, on or prior to May 31, 1947.

It is further ordered, That the order of April 30, 1946, as modified, be further modified by extending the time within which stock certificates representing shares of common stock of Central may be issued and delivered under the plan, together with appropriate cash payments in lieu of fractional shares, in exchange for all preference and common shares of Central and South West Utilities Company and American Public Service Company for which stock certificates were not surrendered in exchange to Central or its transfer agent, in due legal form for transfer, on or prior to May 31, 1947, to not exceeding ten days after surrender of the certificates representing such old shares, in due legal form for transfer, to Central or its transfer agent at any time after May 31, 1947.

It is further ordered, That the supplemental order of April 15, 1947, be, and the same is hereby, amended by adding thereto the following provision:

It is further ordered and recited, That the distribution and transfer by Middle West to its own stockholders of 3,307,302 shares of common stock of Central on the basis of one share of such common stock of Central for each share of stock of Middle West reserved for issue, is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935; that such distribution and transfer be made by Middle West on or before June 14, 1947, in respect of the 3,293,564 shares of its stock issued and outstanding at the close of business on May 23, 1947; and that such distribution and transfer be made in respect of the 13,738 shares of stock of Middle West reserved for issue, within a reasonable time after the issue and delivery of such reserved shares.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 47-5809; Filed, June 19, 1947;
8:50 a. m.]